



# CRIME VICTIMS

Working Paper No. 11

AN ANALYSIS  
OF  
VICTIMS/VICTIM WITNESS NEEDS  
IN  
YUKON

Research and Statistics Section  
Policy Planning and Development Branch

CRIME VICTIMS  
WORKING PAPER No. 11

AN ANALYSIS OF VICTIMS/VICTIM WITNESS  
NEEDS IN YUKON

This review was carried out under a contract from the Department of Justice of Canada by Audrey McLaughlin. It is intended as a working paper to provide information to individuals and organizations concerned with this topic and should not be interpreted as Government of Canada policy.

This working paper is one of a series of papers on victims of crime published by the federal government as part of an initiative in the crime victims field.

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March, 1984

(Résumé en français à la fin)

PREFACE

This study was sponsored by the Department of Justice, Ottawa, Canada and the Department of Justice, Government of Yukon.

Acknowledgment must also be given to the committee which initiated and supervised this project in Yukon, and who provided valuable consultation throughout.

In addition, there would be no study except for the generous co-operation of those members of the community who agreed to be interviewed and to share their views and experiences on the topic.

Finally, it should be stated that conclusions expressed in this report are solely those of the author, and do not necessarily represent the views of either the Federal or Yukon Departments of Justice.

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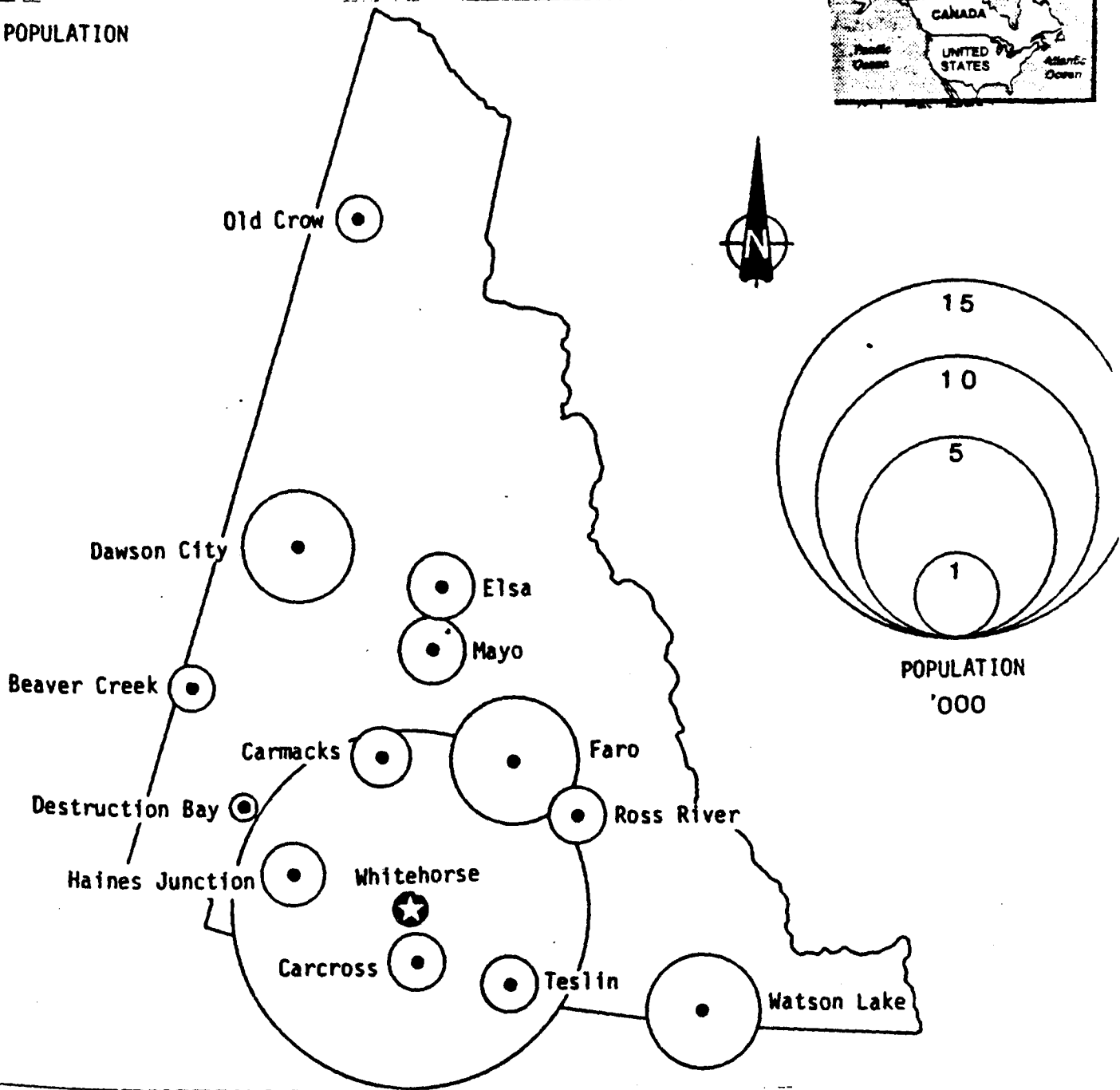
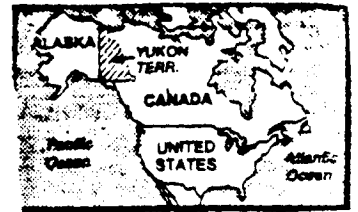
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MAP OF THE YUKON

UNITY POPULATION





SUMMARY

The purpose of this study was to identify the current services for victims of crime in Yukon, and to make recommendations for ways of meeting any identified needs of victims.

In order to do this, 130 victims of crimes, which were reported to the police in the last six months of 1982, in the areas covered by RCMP detachments in Whitehorse, Haines Junction, Ross River and Watson Lake, were surveyed. In addition to the victims survey, thirty people within the Justice System, forty-seven organizational representatives, and thirty-eight community leaders were interviewed. Fifteen of this group also related their experiences as victims of crime.

At the outset, it should be stated that this study was not in response to an increasing crime wave, but rather as a part of the international movement to review the role of the victim within the Justice System.

The second point to be made is that this study was not undertaken to undermine the civil rights of accused persons. Certainly, to increase victims' rights by decreasing those of the accused or offender would seem to be retrogressive justice.

In Yukon, one is dealing with very small samples of people, comparative to southern areas of Canada. However, statistical insignificance does not affect the degree of trauma for victims of crime.

## SUMMARY

In this study, there was a 4:1 ratio of victims of property crime to victims of personal assault surveyed. Ninety-one point four percent of the victims were in the 17 - 49 year range; 57% were male; and 18% were of the native heritage. Somewhat surprisingly, 84.5% had lived in Yukon for more than 3 years, and ½ had lived here all their life. Slightly over 40% had been victimized more than once. In terms of property losses, 65.3% were under \$500.00, indicating that the majority of stolen items were either cash or smaller portable items.

Of the victims surveyed, 90.6% were satisfied with the initial help which they had received from the police, but half felt that they would have liked more information from the police subsequent to reporting.

More negative comments were made about the Courts. However, on closer analysis, these criticisms were more related to the perceived lack of the enforcement or deterrance effects of sentences than the Court per se. The majority of respondents were both thoughtful and realistic when asked about appropriate sentences. There was very little evidence of the kind of personal vindictiveness which those who are reluctant to see the increased involvement of victims in the system, fear. In addition, respondents generally did not view jail as useful, except in cases of serious assaults and, in those cases, it was generally felt their sentences should be longer.

It has been estimated that anywhere from 40 - 60% of crime is not reported to the police. This area was explored in this study and those interviewed were asked about their perceptions of both the extent and reasons for unreported crime. The most frequently mentioned unreported crimes were: rape, wife beating, child abuse, petty theft and crimes against the elderly.

## SUMMARY

In terms of services which were needed by victims of crime, both in the reported and unreported categories, the most frequently suggested service was the need for information at all levels - about when to report, information from police, about outcomes in court; and for victim witnesses, both support and assistance with their role.

The second most frequently described need was for counselling, particularly for rape victims and child abuse, both physical and sexual.

Alcohol abuse was a recurrent theme in interviews, as contributing both to the commission of crimes and victimization. Many people expressed the view that, if this was not a problem, the justice system in Yukon would virtually collapse.

Despite advances in the past few years, there still appears to remain a considerable barrier between native people and the justice system. There are virtually no native people within the system and this, at least in part, contributes to the perception of justice as an alien system, often more concerned with enforcement than protection.

In small communities such as the Yukon, the justice system receives extraordinary attention, both from the media and the public. However, even though crime is fortunately not seriously altering the lifestyle of its citizens, both professionals and interested citizens did express a willingness to become more responsive to those Yukoners who are the victims of a crime.

## SUMMARY

In this report, there are thirty-five recommendations proposed, which it is hoped will stimulate discussion toward assuring that victims' rights receive recognition as a legitimate concern in Yukon.

RECOMMENDATIONS

I. Owing to the apparent lack of information given to the victim as the investigation proceeds or concludes; it is recommended that:

"Police attempt to implement to a more stringent degree their policy in this area."

II. Owing to the lack of clear understanding on the part of some victims about why the police do not attend a call or why charges are not laid, it is recommended that:

"The police clearly explain procedures to complainants on their initial call or visit to the station."

III. Because of the greater number of officers in Whitehorse that:

"Victims are given the name and number of investigating officers."

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IV Owing to the general lack of understanding by many witnesses about their role, it is recommended that:

"A pamphlet outlining the witness role, testimony and where to receive information on arriving at court be prepared and distributed with subpoenas."

V In view of the perceived lack of attention by witnesses, it is recommended that:

"A witness management program incorporating volunteers in Whitehorse and the communities be established. This program would be responsible for: information to witnesses regarding scheduling of cases; informing witnesses about fees, expense reimbursement; assist the witness to locate the RCMP or Crown Attorney."

VI Owing to the general lack of information which a victim receives from the court system, it is recommended that:

"The Police, probation officers, Crown Attorneys, Justices, meet to establish a procedure for informing the victim about the charge, the sentence, reasons for the sentence and his position."

VII In order to attempt to facilitate the current payment for witness fees on Circuit Courts, that:

"The court party carry a petty cash fund on Circuit for immediate reimbursement to witnesses."

VIII In order to address some of the needs of native people, it is recommended that:

"The native court worker program be reviewed with a view to expanding to communities, preferably by employing local people."

IX "That consideration be given to the re-establishment of a committee similar to the Yukon Indian and the Law Committee, which could act as a Territorial advisory body to all parts of the justice system, including the police and courts."

X Owing to the current inadequacy of the Whitehorse court facilities, that:

"The Government of Yukon consider the provision of new facilities as expeditiously as possible."

Funding to such services as the Transition Home and Women's Centre tends to be both too little and uncertain. Therefore, it is recommended that:

XI "Funding for the Transition Home be on a block funding bases, and sufficient to assure access for rural women", and that

XII "Funding for the Women's Centre be expanded in order that rape counselling services can be extended; perhaps for communities through a toll-free number, and that larger centres be assisted to establish such centres where feasible."

Information about services is not always readily available, therefore it is recommended that:

XIII "The police, social and health agencies have sufficient information available about these services", and

XIV "Incorporate into their policy, a practice of referral where warranted."

The history of abuse to women has been rooted in the ethic of non-interference in the family, and a belief that such problems as wife battering cannot be solved through criminal procedures. The recently passed assault legislation, Bill C-12:

will now permit police officers to arrest battering husbands, even though the police have not witnessed the assault. Manitoba has already undertaken that the police in that province will lay assault charges. It is, therefore, recommended that:

XV "The RCMP in Yukon review practices in handling domestic complaints, including the implications of the recent legislation in order to reduce the acceptability of wife battering within the community."

In terms of sexual assault, the new legislation makes provision for the remedying of some of the areas which women found very difficult. It will remain to be seen how it will work in practice.

Other jurisdictions have attempted to open up some access to the system for children and for others who might report abuse; it is therefore recommended that:

XVI "The feasibility of a toll free 'hot line' for children and adults be explored by the Department of Health and Human Resources."

Because of the degree of lack of enforcement and general knowledge on the part of the community that makes reporting mandatory, it is recommended that:

XVII "The Department of Health and Human Resources undertake a public education campaign in the area of child abuse, neglect."



Because of the recognized need for child care oriented to the identification and prevention of trauma is recognized as a need in the Transition Home; it is recommended that:

XVIII "Funds be made available for the employment of a trained child care worker in the Yukon Women's Transition Home, by the Department of Health and Human Resources, as part of their prevention responsibility."

Because of the inter-relationships between various forms of violence in our society, it is recommended that:

XIX "The Ministry of Education review the practice of allowing corporal punishment to be used in schools in Yukon."

It has been recognized by all jurisdictions that preventative measures are extremely important in the area of child welfare; it is therefore recommended that:

XX "The Department of Health and Human Resources undertake a serious commitment to prevention, by developing a reasonable budgetary item for home-maker services, day care for high-risk children, and other family support measures."

One of the most frequent responses of victims of juvenile crime was their frustration with not knowing what had happened as a result of their complaint. It is therefore recommended that:

XXI: "Juvenile probation officers, or some other member of the justice system, incorporate the practice of informing victims as to the outcome of the investigation and disposition."

The second most frequent response was the perception that parents should assume responsibility for the damages or loss caused by the juvenile. While this has obvious practical limitations, it is recommended that:

XXII: "The responsibility of parents be thoroughly explored in the process of disposition and the decision, in regard to the degree of responsibility which it is judged they can assume and be conveyed to the victim."

Because of the concern expressed by native people, it is recommended that:

XXIII "Indian organizations and the RCMP in those communities which have particular concerns, meet with other relevant resource people to explore ways of increased protection for the elderly."

Much of the violence directed to the elderly is for the purpose of stealing money. None of the small communities have banks, although, in some cases, the bank may come to the community once a week. This means that old-age security cheques, etc., are cashed and, at certain times, the elderly may have a substantial amount of cash on hand. Some stores and other businesses will keep the cash on account, but this, too, sometimes raises other problems. It is therefore recommended that:

XXIV "Communities explore the possibility of some form of banking system through post offices, band stores, etc., which would be easily accessible by elders."

It is recommended that:

XXV "the Yukon Government assess the adequacy of the current role in the delivery of the Compensation for Victims of Crime Act, in order to determine whether this might be more adequately publicized and what the extent of increased costs to the government might be should a greater number of applications be made".

Inappropriate or unenforced restitution orders, seriously undermine the community's trust in the system. At present, each actor in the system, appears to share only partially in the process.

Owing to the lack of consultation expressed by victims about the amount of restitution recommended it is recommended that:

XXVI "The police, crown attorneys and probation officers develop a policy for routine consultation with the victim in regard to the actual financial loss or damage."

In cases where the amount ordered is less than the estimate, it is recommended that:

XXVII "The Crown Attorney, police or some other member of the justice system be responsible for explaining this to the victim."

Because of the current crisis of faith created by an apparent lack of enforcement of orders, it is recommended that:

XXVIII "The Government of Yukon explore the possibility of the victim being paid restitution directly by the court and the system then assuming responsibility for collection from the offender."

In order to reduce waiting periods for small claims hearings;  
it is recommended that:

XXIX "Consideration be given to the extension of small claims hearings to the jurisdiction of Justice of the Peace Courts both in Whitehorse and communities."

All interviewees were asked for recommendations for changes to existing services or needed services.

As there does not appear to be a formal system for informing victims about services, it is recommended that:

XXX "a pamphlet outlining basic services be prepared; that police distribute these to victims during the investigation and that they be made available for the public."

As there does not appear to be a great deal of training for police on community services that:

XXXI "Consideration be given to in service training for police officers on services available."

Because of the lack of trained counsellors in smaller communities and in view of the expense involved in establishing a network of services it is recommended that:

XXXII "The Medical Services Branch pursue the employment of community mental health nurses in the large centres outside Whitehorse."

In view of the fact that the overwhelming lack expressed was in the area of access to information about the law, rights, courts, etc., it is recommended that:

XXXIII "The Government of Yukon establish a toll-free legal information service, "The Victim's Information Service", which will provide information and crisis support for victims of crime, and that this be publicized widely."

(This Service could be expanded to include the follow-up information services regarding the disposition of court cases as well.)

In consideration of the fact that it is not possible to employ a fully-trained, para-professional in each community, it is recommended that:

XXXIV "Volunteers be sought and trained in the communities to provide a contact between the justice system and the victim in co-ordination with the "Victim's Information Service"."

In order to increase the input of the victim as part of the court process, it is recommended that:

XXXV "The variety of models currently used for victims impact statements be reviewed by representatives of the court, RCMP, probation and defence bar, with a view to implementing this practice in Yukon."

## P A R T I

### THE CONTEXT: The Yukon Territory

The Yukon Territory lies in the extreme northwest corner of Canada; it is, like its neighbours the Northwest Territories and Alaska, part of the mythology and reality of the last frontier.

Politically, the Yukon does not have provincial status, but does have most of the trappings of that status - government ministries, party politics, and a local civil service bureaucracy.

The Yukon is a place that defines itself in reference to the 'outside', an outside that brings money, ideas, problems, and gives to the Yukon a sense of being somehow different.

There is a population of approximately 24,000 people, spread over 204,000 square miles. About two-thirds of this population resides in the capital, Whitehorse, and the rest in the fifteen other communities and countryside. There are twelve Indian Bands in Yukon, and about one-third of the population is of Indian heritage. All of the communities, except Old Crow, are accessible by road. However, this has been the case for only the last forty years, since the Alaska Highway was built.

The population of Yukon is a young one, with 63% being under 35 years of age, and 64% falling within the 15-44 year age range. <sup>1</sup>

<sup>i</sup> Yukon Economic Review, Third Quarter, 1982, Community Population Estimates, page 5.



Economically, the Territory was, until recently, dominated by the mining industry. However, at present, there are no operating mines and this has resulted in some outflux of population. Currently, manufacturing is minimal and the major employers are government and the service industry.

The following report documents the results of a survey of victims' needs. It will, perhaps, be seen from this outline of the context within which this survey was done, that the geographical factors raise a number of questions regarding service delivery in rural areas and fair and equal access to the justice system. While this report does not purport to solve these issues, the focus on victims' needs has tended to draw attention to the wider issues as well.

P A R T I IBACKGROUND

Great courtroom dramas have been the stuff of theatre for many years; powerful lawyers become folk heroes and the themes of good and evil have been processed from Shakespeare to Hill Street Blues. David and Goliath dramas have always been appealing and, when in the recent film "The Verdict", the audience gasped and then cheered when the young nurse lays bare the deceit by the established medical system, it is one more assurance that right will win out - even if one doesn't have the best lawyer or the most money. To further make the point, in this scenario it is the jury of common folk who do the right thing, not the judge, who has sided with the powerful opposition. From this emerges the hero - the professional who seems to be as powerless as his client.

It is an interesting phenomenon that, as North American Society becomes better educated, it becomes more disaffected with those who have received status through education, particularly the professions. The increasing challenge to the expertise of 'experts' can be seen in the daily newspaper accounts of the battles between the consumer and the giants - extra billing by doctors, rip-offs by corporation, environmental debates, and so on. Increasingly, self-help and consumer groups begin to intrude on what has been the exclusive territory of the experts and, occasionally, the hand-picked para-professionals.

All of this is significant for the justice system, which has not been unaffected by the consumer movement, nor by the increasing cynicism of the public about 'real' justice. In a recent article in TIME magazine, the author referred to what he termed "Scofflaw". This he defined as those laws which people, almost universally,

come to disregard. It is a particularly apt phrase for the '80s, as it seems to symbolize a growing attitude toward 'the system'.

In the justice field, the consumer movement is represented by the increasing organization of victims. Class action suits, while less successful in Canada, were perhaps a forerunner to this movement. From Nader's Raiders to the CBC Ombudsman, the public has seen consumer power develop.

The second major voice of the consumer in the justice system has been the women's movement. This has taken several forms, from legislative lobbying for equal pay to advocating on behalf of the victims of wife battering and sexual assault. In fact, the picture of the vulnerability of the victim of sexual assault who is before the courts has become both a symbol and, in some cases, a deterrant to justice.

The third wave has been the organization of groups of people (or their relatives) who have been victims of crime.

In addition to these factors, some church groups and societies, such as the Salvation Army and John Howard Society, have been involved in the area of victims' programs and victim offender mediation projects for a number of years.

In the mid-seventies, to some extent to assuage public concern about the withdrawal of capital punishment, victims began to receive some attention. In legislative

terms, this was in the form of the federal initiative to encourage provincial (territorial) compensation programs for victims of personal injury crimes.

Criminologists and others involved in the justice system, however, have entered the field to a large degree after the populist movement, and victims' status has now been raised for serious consideration within the academic and political areas.

In 1981, for example, the first International Conference on Victim Assistance was held in Toronto, and was attended by 300 North American social workers, criminologists and law enforcement officials. Also in 1981, the Solicitor General initiated a Canadian study on Services to Victims of Crime. In addition, a Federal/Provincial Task Force on the needs of victims of crime was established and will present a report in 1983.

Much of the discussion in relation to victims has been around the issue of 'rights'. While it is anticipated that the Task Force will address this, Norquay and Weiler, in 1981, completed a survey on "Services to Victims and Witness of Crime in Canada" and, in that report, outlined the victims' rights which they suggested be considered by legislators and policy makers. These include: <sup>1</sup>

- The right to protection from crime and violence.
- The right to financial and social service assistance required as a result of victimization. This includes the right to be informed of programs, and how to apply for them.

<sup>1</sup> Norquay and Weiler, "Services to Victims and Witness of Crime in Canada", page 14.

- The right to be kept informed of the process of the investigation, and once a charge has been laid, informed of the progress on the case.
- The right to timely notification of the need to appear in court.
- The right to a secure waiting area during court proceedings.
- The right to be heard in the judicial process.
- The right to be advised of the offender's sentence and the rationale for the sentence, and particularly, the right to an explanation of any discretionary disposition made in the case.
- The right of restitution or compensation.
- The right to have stolen property required as evidence returned as expeditiously as possible.
- The right to receive reasonable witness compensation.

In this report, many of these "rights" were raised by those interviewed as needs; needs which should be met in order to equalize the justice system.

One of the dilemmas of those genuinely interested in redressing some of the inequities in relation to victims is the fear that this will impair the ability of the system to maintain the civil liberties and rights of the accused. It will be a challenge for concerned individuals to remember that the accused have been victims of wrong decisions by the system and that proof beyond a reasonable doubt remains a basic tenet of the criminal justice system.

The balance of rights, which appears to many as having been in favour of the accused, if it were inequitably weighted to the victim, would surely be no greater justice.

The following report examines some of these issues, on the basis of interviews held with victims, representatives of social and health agencies, members of the justice system, Indian organizations and key community citizens in relationship to the experiences, needs and services for victims of crime in Yukon.

P A R T   I I I  
PURPOSE OF THE STUDY

The overall objective of the needs assessment study were to provide the range of objective information required for the development and implementation of enhanced victims' services in the Yukon. The objectives were to encompass the following:

- (1) to prepare a comprehensive inventory and analysis of services presently provided to victims in the Yukon by existing community and criminal justice agencies and resources;
- (2) to identify the nature and extent of the needs of victims and witnesses in the Yukon;
- (3) to identify and make recommendations for ways of meeting the needs of victims and witnesses in the Yukon, either by enhancing existing services and practices and/or establishing new services and practices; and
- (4) to establish the necessary baseline information for the effective evaluation of subsequently implemented victims' services.

P A R T I V

METHODOLOGY

A committee of representatives of both public and private organizations was formed in April of 1982, in order to pursue a survey of victims'/victim witness needs. (See Appendix A for a list of committee members.)

The committee identified a number of objectives and, from these, a description of the tasks to be carried out by the researcher were developed with the assistance of Yvon Dandurand of the Department of Justice, Ottawa. Subsequently, a Researcher was employed on December 15, 1982.

It was decided by the committee that the survey would take place in Whitehorse, Ross River, Haines Junction and Watson Lake.

It was recognized that, ideally, all Yukon communities would be surveyed, but this was not possible, owing to time constraints. Therefore, the communities were chosen on the following bases:

- (a) Whitehorse: two-thirds of the population of the Yukon resides here. In addition, the majority of the community and legal services are located in this centre. While the city has a predominantly non-native population, one of the larger native communities is located within its boundaries, the Kwanlin Dun Band.
- (b) Ross River: this community has a population of approximately 300, and is 430 kilometres from Whitehorse. The native community is slightly larger in number than the non-native, and most native residents live in the native "village".

- (c) Haines Junction: this community is 150 kilometres from Whitehorse and has a population of about 400. The proximity to Whitehorse means that there tends to be a greater use of services there than might be the case in more distant communities. The RCMP detachment serves the surrounding area, which includes the villages of Champagne, Burwash and Destruction Bay. In Haines Junction proper, the Champagne Aishihik Band has its offices, and there is a large native village. All of the communities served by the detachment were included in the survey.
- (d) Watson Lake: this community has a population of approximately 1300 people, and is located 455 kilometres from Whitehorse. The RCMP serve a large area, which includes the primarily native communities of Upper Liard, 2-Mile and 2½-Mile. The Liard Band offices are located in Watson Lake. All of the communities were included in the survey.

Each community surveyed has different links to the major service centre of Whitehorse and different economic bases which affect both the stability of permanent residents and the degree of migration in and out of the community on a seasonal basis.

Data for this survey was collected over the period from December 15, 1982 to February 28, 1983, with visits to the communities on the following dates:

Haines Junction: January 4 - 7, 1983  
 Watson Lake : January 17 - 22, 1983  
 Ross River : February 15 - 18, 1983

#### METHODS OF DATA COLLECTION:

In order to meet the objectives of the study, the following methods of data collection were used.



(1) Survey of Victims

A random sample of people placing complaints with the police was drawn from the occurrence reports kept by the detachment. An RCMP employee drew the names and addresses of complainants from the third and fourth quarters of 1982.

The following categories were included in the sample:

	<u>Number</u>	<u>%</u>
attempted homicide	0	0
assault	21	16.2
sexual offence	6	4.6
robbery	1	.8
motor vehicle theft	5	3.8
theft under \$200.00	17	13.1
theft over \$200.00	36	27.7
wilful damage to private property	17	13.1
break and enter	27	20.8
Total Sample:	130	100

The sample included offences which were those:

- (1) cleared by charge: incidents in which charges had been laid.
- (2) not cleared: no charges laid.
- (3) cleared otherwise: incidents in which an offender was identified, but either because the offender was a juvenile or there was insufficient evidence, no charge was laid, or was withdrawn.

In the sample, these were represented as follows:

- (1) cleared by charge: 25.6%
- (2) not cleared: 61.6%
- (3) cleared otherwise: 12.0%

Place of Offence

Whitehorse:	60.5%
Haines Junction:	5.4%
Watson Lake:	16.3%
Ross River:	7.0%
Other: *	10.9%
	<hr/>
	100.0

\* Other includes: Upper Liard, 2-Mile, 2½-Mile, Burwash, Duke River, Canyon, isolated areas. Two-thirds of these would be normally covered by the Haines Junction detachment, and the remainder by the Watson Lake detachment.

In the course of the survey, a number of additional victims were interviewed in all communities, but, as the offences did not occur within the random sample time frame, information on these interviews is not included in the statistical data related to the victims' survey, but is included as part of the general community information related to the issues of the victim.

Form of Interviews

Telephone:	66.9%
In Person:	33.1%

Instrument

A standard questionnaire, incorporating both open and closed questions, was used. The questionnaire was similar to that developed by William Stuebbing for the Red Deer, Alberta study, and modified by Susan Green, Researcher, Northwest Territories study. (See Appendix B.) In order to facilitate data processing identical

instruments were used in Yukon and Northwest Territories. The questionnaire contains a series of 116 questions dealing with the following areas:

- (a) Particulars related to the event.
- (b) Contact with the Police.
- (c) Needs of the victim in relationship to the crime.
- (d) Experience with the Court system.
- (e) Victims' perception of sentencing.
- (f) Demographic characteristics of victims surveyed.

It was originally intended that an introductory letter would be sent to all those identified in the sample, prior to contact. Approximately fifteen of these letters were mailed to Whitehorse residents. The letter explained the project, stating that participation was voluntary and confidential, and suggesting that, if they did not wish to be contacted, that they contact a number, which was the Probation Department. The letter was sent on the Government of Yukon letterhead, under the signature of the chairperson of the committee. It was found, as the survey began, that it was necessary to contact some of the sample who had not received a letter, as well as those who had. As there appeared to be considerably more suspicion on the part of those people who had received an official letter than those who did not, this practice was discontinued.

#### Interviews with Individuals in the Criminal Justice System

In order to ascertain the views of those within the justice system in regard to victims' needs, the following were interviewed: (See Appendices C - F for interview schedules)

Judge of the Supreme Court  
 Chief Territorial Judge  
 Court Clerks (3)  
 Small Claims Officer  
 Justices of the Peace (5)  
 Crown Attorneys (5)  
 Defence Lawyers (4)  
 Acting Chief Probation Officer  
 Director, Native Court Workers  
 Probation Officers  
 National Parole Officer

(iii) Interviews with the RCMP

Representatives of the RCMP were interviewed in: Whitehorse  
 Ross River  
 Haines Junction  
 Watson Lake.

All interviews were in person. (See Appendix G for interview schedule.)

(iv) Interviews with Community Agencies

To ascertain current services to victims, perceived needs and issues related to incidences of unreported crime, representatives of a variety of organizations were interviewed. (See Appendix H for interview schedule, and Appendix I for details of services.)

Whitehorse: Rehabilitation Centre  
 Yukon Women's Transition Home  
 Victoria Faulkner Women's Centre  
 Yukon Status of Women  
 Women's Bureau, Y.T.G.

Skookum Jim Friendship Centre  
 Mental Health Services  
 Psychiatrist  
 Whitehorse General Hospital, Emergency Services  
 Department of Health and Human Resources  
 Child Development Centre  
 Public Health Service  
 Resource Workers, Kwanlin Dun Band  
 Family Counselling Association  
 Yukon Indian Women's Association  
 Detoxication Centre  
 Alcohol and Drug Services, Y.T.G.  
 National Native Alcohol and Drug Abuse Program  
 Counsellor, Yukon Vocational and Technical Training Centre  
 Crisis Line  
 Department of Indian and Inuit Affairs

Ross River:           Public Health  
                           Community Health representatives  
                           Resource Workers: Ross River Indian Band

Watson Lake:         Territorial Agent  
                           Social Worker, Department of Health and Human Resources  
                           Group Home parent  
                           Public Health Nurse  
                           Community Health representative  
                           Alcohol Worker, Y.T.G.  
                           Resource Workers, Liard Band  
                           Doctor  
                           Housing Authority

Haines Junction:    Social Worker, Department of Health and Human Resources  
                           Public Health Nurses  
                           Resource Workers, Champagne-Aishihik Band  
                           Resource Workers, Kluane Band  
                           Housing Authority

(v) Interviews with Community Representatives:

Personal interviews were held with the following community people regarding their perceptions of the needs of victims of crime, and the extent of unreported crime.

Whitehorse:           Former member, Yukon Indians and the Law Committee  
                           Owners/Operators - Small businesses  
                           Vice-Chairman, Council for Yukon Indians  
                           Church representatives

Ross River:           Chief, Ross River Band  
                           Business Owners  
                           Priest  
                           Minister

Watson Lake:         Business Owners  
                           Church representatives  
                           Two members of the Diversion Committee  
                           Chief, Liard Band  
                           School principal

Haines Junction:     Business Owners  
                           Church representatives  
                           School principal  
                           M.L.A.  
                           Chief, Champagne-Aishihik Band

Burwash:             School principal  
                           Teacher

LIMITATIONS OF THE STUDY:

The role of victims within the justice system is a complex area, and one that can only begin to be documented by a study done within a period of three and a half

months.

Dynamics within small communities are not readily obvious, and the time spent in each community, it is acknowledged, can only somewhat superficially cover the issue; especially when the researcher is an 'outsider' to three of the four communities surveyed.

The victim sample is small. However, information provided by victims in combination with other community members does provide a fairly representative overview, considering the small population base.

Finally, there are the limitations of the researcher who is: not a lawyer, not a victim, not native, and not a man in the predominantly male domain of the justice field.

The results, which follow in subsequent sections, should be viewed as indicative and an attempt to reflect the views of the variety of people interviewed for this study, each of whom had their own biases which, combined with those of the researcher, may serve to further discussion on the issue of the victims' role and rights within the justice system.

P A R T VTHE VICTIM

Within the context of our society, who is accepted as a victim varies as social and political mores change. Individuals may be regarded as victims of a political system, of an institution, of an economic policy, of environmental pollution, or of a crime as defined in the Canadian Criminal Code. Sometimes the line between being defined as a 'victim' and being defined as a 'loser' is very fine. Weisstub has noted that, for decades, various groups have actively sought to be defined as victims in order to draw attention to their situation. Examples he cited were: welfare recipients, women, and racial groups. <sup>1</sup>

For the purposes of this study, victims of crime were defined as the actual victim of a personal assault or property crime, who had reported this to the police. However, it must be noted that it is estimated that 40 - 60% of crimes are not reported to police. <sup>2</sup> In addition, as Catherine Kane has noted: <sup>3</sup>

"He (the victim) is not even a victim per se until such time as the state recognizes the incident as a crime."

The process of victim definition takes place at several levels:

- the Police: have a considerable amount of discretion in deciding whether, in fact, the reported incident is a crime.

<sup>1</sup> Dr. D. Weisstub, paper delivered at the 33rd International Course in Criminology, Vancouver, B.C., March 1983.

<sup>2</sup> Paul Schonnisen, Department of Justice, in an interview with John Gilbert.

<sup>3</sup> Catherine Kane, "The Rights of Victims of Crime", page 3.



- the Crown Attorney: has the final authority on whether charges will be laid and, thus, the offence officially recognized as a crime by the state.
- the Court: may decide that the act committed was, in fact, not an offence under the law.

However, as has been noted earlier, official definitions of who constitutes the victim may not always be congruent with public perception. For example, the primary victim may perceive incidents as crimes which are not accepted as such in law; then there may be secondary victims - the friends or relatives of the victim or the family of an accused who, indirectly, may also suffer the consequences of the crime. An example, from this survey, is that several people mentioned the effects of the crime on the children in the family. In one case, the child was threatened by friends of the offender while at school; in a second case, the children in the family suffered nightmares as a result of someone having broken into the home and; in a third case, the children became extremely disturbed, not in reaction to the crime, but to the severe trauma that it had caused for their parent. Respondents citing these examples noticed that these were not short-term reactions, but lasted over a period of months.

Finally, an increasing number of the public are perceiving themselves as victims through large-scale frauds by business, payment by the consumer for business losses through theft and, as tax payers, who support the justice system.

#### SURVEY DATA:

The data provided should be interpreted on the cautionary note that it represents only those who reported crimes. In order to explore the extent of unreported crimes, representatives of community agencies and community citizens were asked about their impressions of this phenomena.

REPORTED CRIMES:Demographic Characteristics of Respondents:

(a) Male:	57%
Female:	43%
TOTAL	100%

(b) Native heritage:	18%
Non-native:	82%
TOTAL	100%

In this sample, native people are under-represented, as they comprise approximately one-third of the population. This may be interpreted as less reporting by that group, or fewer numbers of victims proportionately.

(c) Age:	
* under 16	1.6%
17 - 21	4.7%
22 - 29	33.9%
30 - 39	39.4%
40 - 49	13.4%
50 - 59	5.5%
60 - 69	.8%
70 +	.8%
TOTAL	100.0%

\* The parents of these victims were interviewed.

This indicates that 73.3% of all victims surveyed fell within the 22-39 year age group; with 91.4% from the 17 - 49 year age group. Given that 64% of the population is between 15 - 44, this shows an over-representation in that age group; 64:91.4, with residents over 60 years of age representing only 1.6% of the sample.

## (d) Length of time in the Yukon:

less than 1 year	3.9%
1 - 2 years	11.7%
3 - 5 years	21.9%
6 - 10 years	21.1%
more than 10 years	18.8%
life	22.7%
TOTAL	<u>100.0%</u>

Almost one-quarter, or 22.7% of the sample, had lived in the Yukon all of their life.

Eight-four point five percent had lived here for three years or more.

One cautionary note about this is that about 60% of the names given for the sample were not able to be contacted, as they had moved. Therefore, the transient and tourist population is not represented.

## (e) Education:

complete elementary	2.4%
some secondary	33.3%
complete secondary	29.3%
some post-secondary	13.0%
complete post-secondary	5.7%
some university	5.7%
university degree	10.6%
TOTAL	<u>100.0%</u>

## (f) Income:

under \$5,000.00	.9%
\$5,000.00 - \$9,999.00	6.1%
\$10,000.00 - \$14,999.00	11.3%
\$15,000.00 - \$19,999.00	21.7%
\$20,000.00 - \$29,999.00	35.7%
\$30,000.00 - \$39,999.00	19.1%
\$40,000.00 - \$49,999.00	4.3%
\$50,000.00 and over	.9%
	<u>100.0%</u>

This data (e and f) is open to some question, particularly in the statement of income: 15 respondents did not answer this question and, as it is sensitive area with many people, the responses may contain some degree of error. The Yukon Economic Review, 3rd quarter 1982, states that the average weekly wage was \$497.72, representing an average annual income of about \$26,000.00. However, this was derived from the summer months, and may vary considerably in the 4th quarter statistics, which are currently unavailable.

(g) Marital Status:

single	27.4%
married	50.0%
commonlaw	11.3%
divorced/ separated	9.7%
widowed	1.6%
TOTAL	<u>100.0%</u>

This would indicate that 61.3% of the respondents were in a marital relationship.

Prior Victimization:

- (a) By the Same Offender: Seventy-six point two percent of the respondents stated that they had not been a victim of a crime previously committed by the same offender. Eight point five percent said that they did not know; in the few cases, 15.4% where they had previously been victimized, 95% of those stated that the crime was similar. For example: shoplifting, break and enter, assaults.
- (b) By a Different Offender: Fifty-eight point five percent stated that they had not been victimized by a different offender. Of the remainder who had, they had been victimized anywhere from one to ten times, with about half of those crimes being similar to the one reported.

A number of articles have been written on the susceptibility of some people to repeated victimization. The reasons given for this are varied. For example: vulnerability of women and children, lack of attempts to prevent crimes, such as not locking doors, etc. This data is not comprehensive or detailed enough to

substantiate or refute these theories. However, 41.5% of the surveyed population had been the victim of more than one crime.

#### Influence of Victimization on Crime Prevention:

Respondents were asked if they felt that they could have prevented the crime. Twenty-two point eight percent answered affirmatively, citing such things as locking cars, not drinking, locking up possessions. The majority, however, felt that they could not have prevented the crime.

They were then asked if, following the crime, they took any precautions or changed their behaviour. Almost half, or 49.6%, stated that they had not done anything different. Therefore, although only 22.8% said that they could have done something to prevent the crime, about 50% did take some extra precautions after the crime. These included (in frequency of response): putting possessions in a safer place, installing locks, not allowing certain people in their home, checking windows and doors more regularly to see that they were locked.

Only two respondents mentioned that they went out less, because of the crime, and no respondents mentioned the purchase of a weapon for protection.

#### Relationship of the Victim to the Offender:

Approximately 41% of the victims were aware of who the offender was. Of those cases, offenders were identified as:

an acquaintance:	30.1%
neighbour	23.7%
relative	4.3%
a husband battering:	3.2%
an employee	2.2%
a stranger	33.3%
other	3.2%
TOTAL	100%

This would indicate that, of those who were aware of who the offender was, 63.5% of the offenders were known to the victim.

Number of Offenders:

One	55.4%
Two	17.9%
Three	12.5%
Four	8.9%
Not Known	5.4%
TOTAL	100.0%

Armed Offenders:

Yes, gun	4.1%
Yes, knife	6.1%
Yes, other	2.0%
Not known	10.2%
No	77.6%
TOTAL	100.0%

This would indicate that, only in a few cases, was the offender armed - less than one quarter; in 44.6% of the incidents, there were two or more offenders.

Offence Occurance:

Day:

Monday	1.6%
Tuesday	12.4%
Wednesday	14.7%
Thursday	7.0%
Friday	17.1%
Saturday	14.7%
Sunday	3.1%
Not Known	29.5%
TOTAL	100.0%

Time:

Between 9:00 a.m. and noon	3.9%
Noon and 5:00 p.m.	22.5%
5:00 p.m. and midnight	35.7%
Midnight and 9:00 a.m.	14.0%
Not Known	24.0%
TOTAL	100.0%

In this sample, the majority of the crimes took place on a Friday and Saturday (31.8%). However, there was almost as great a frequency on Tuesday and Wednesday (27.1%).

Crimes generally took place when no one was occupying the building/residence, or a vehicle was unattended. Not surprisingly, 49.7% of the crimes took place in the evening and early morning.

For those respondents who did not know, it was because they were away, or it was an unoccupied dwelling.

#### Effects of Victimization:

This sample included two categories of offences - those against property and those against persons, with a ratio of approximately 4:1. In addition, the sample indicates that 13.5% of offences against non-natives are person offences, as compared to 56.5% for natives. And, conversely, for property crimes, 86.7% of the total crimes committed against non-natives are property crimes, compared to 43.5% against natives.

Respondents were asked about two general areas in regard to the post-crime effects on their lives. One area dealt with immediate needs, such as requiring financial aid, emergency transportation, emergency repairs. The second area dealt with their feelings, both immediately after the crime, and any subsequent feelings, such as fear of being alone, fear of going outside, sleeplessness, headaches, increased suspicion of others.

The third area dealt with tangible losses, and need of medical treatment.

(a) Property Loss/Recovery:

Sixty point nine percent of the survey had lost property in the incident, while 39.1% had not.

The kinds of possessions taken varied, with 50% losing such things as vehicle parts, building equipment, motors, saws, tires, tools, rifles. Much of this was represented by theft from motor vehicles.

Twenty-three point seven percent lost cash, 10% motor vehicles, 7.5% jewelry, 2.5% personal mementoes, 1.2% furniture, 2.5% stereos, T.V.s. Of course, some individuals lost more than one item.

The majority of items stolen, then, were either those, such as chainsaws or tools, which might be readily sold or used by the offender, and cash.

In 70.1% of the cases in which property was lost, it was not recovered by the police. In 29.9% it was recovered.

## Losses in Estimated Value:

Less than \$200.00	36.1%
\$200.00 - \$500.00	29.2%
\$500.00 - \$1,000.00	12.5%
\$1,000.00 - \$2,000.00	8.3%
\$2,000.00 - \$5,000.00	4.2%
Over \$5,000.00	9.7%
TOTAL	<u>100.0%</u>

The majority of losses (65.3%) were estimated in value under \$500.00. Losses over \$5,000.00, in three-quarters of the cases, represent loss of motor vehicles.



Seventy-seven point one percent of the respondents stated that they were not covered by insurance; 22.9% that they had insurance, but either the amount was too inconsequential to claim and risk insurance increasing, or their claim had not been accepted. Most of the wilful damage areas, for example, involved broken vehicle windows or windows in a business, and those are generally not covered in the Yukon by regular insurance. Similarly, cabins, equipment (particularly items such as tools) were not generally covered. In almost all cases, motor vehicles, bicycles, motor bikes and boats had been covered by insurance.

(b) Personal Injury:

Of those respondents who sustained some physical injury, only the most serious (14.2%) sought medical assistance, generally from a nursing station. Injuries reported included stabbings, head injuries, broken ribs, black eyes, cuts, and back injuries.

Only one person reported losing wages because of the incident, but the others either continued to be paid by their employer (33.3% noted that they had had to miss work), were self-employed, or unemployed.

(c) Immediate Needs at the Time of the Crime:

Respondents were asked how they felt when it was first discovered that they were a victim of crime.

The two most predominant responses were "intimidated" and "angry". Many people expressed the view that, while they were unhappy about losing their possessions, they found that the violation of their security had a much more severe effect than the loss itself.

The second most common response was "surprise" and "intimidation", and "anger". Fear was also a predominant response, coupled with anger, pain, and intimidation. Fear tended to be associated much more frequently with person, as opposed to property crimes.

Forty point five percent of the respondents stated that they received no help with these feelings, but the rest received help from their family (41.3%), friends (36%), the police (13.3%), and others such as a minister, doctor, or colleague. All respondents found this help satisfactory.

Only a small percentage of people (16.2%) stated that they wanted someone to stay with them after the police left, and the majority of these had family or friends who did this. The same percentage noted that they required emergency transportation and, again, friends, family, or the police provided this to their satisfaction.

Fifteen point four percent noted that they required emergency repairs to their home or vehicle, and the majority (89.1%) found someone to assist them, or were able to do it themselves.

Three point one percent stated that they required emergency financial assistance, as a result of the crime, and three-quarters of these were able to receive this from family or friends.

In summary, the immediate effects were feelings of anger and intimidation. In terms of tangible assistance required, only a small minority required some form of emergency help, and this was generally provided by friends or family.

(d) Post Crime Effects:

Under 10% of victims surveyed stated that they had suffered from any of the following effects: headaches, sleeplessness, fear of walking outside at night, fear of entering their residence. Of these who did experience these feelings, a few sought medical assistance for the somatic ailments, and one person sought counselling.

The one factor that received greater response was an "increase in suspicion", with 39.5% stating that they had become more suspicious as a result of the crime. Again, this is a minority, and very few people sought any help for this.

In summary, post crime effects in this sample would appear to be minimal, with, as might be anticipated, personal injury cases having a more traumatic effect than property crimes, with 70.4% of the victims of personal crime receiving some form of help, as compared to 55.6% of victims of property crime.

P A R T V I  
UNREPORTED CRIME

As noted, it has been estimated that 40 - 60% of the crimes committed are not reported to the police. It has been pointed out that there is "no legal obligation on any citizen to report a crime, or to lay criminal charges" and that "generally, a citizen has the right not to co-operate with the police and provided he does not mislead them, he is free to be unco-operative with impunity".<sup>1</sup>

In Yukon, there are no statistics which indicate the amount of unreported crime. This could, however, be derived by contacting all persons or households, as has been done in some of the national surveys. Through this method, some reasonably accurate estimates of unreported crime may be derived.

However, this data does not exist in Yukon and, as part of this study, one of the tasks defined was to:

interview key individuals in the community to obtain some idea of what may be the needs of those victims who do not report crimes to the police.

A number of the victims surveyed, as well as all of the other interviewees, were asked about their perception of the extent and reasons for unreported crimes.

Responses indicated variables related to: type of offence, community factors, kinship ties, fear and perception of the effectiveness of the police and the courts.

<sup>1</sup> Yvon Dandurand, "Notes on the State, the Offender and the Victim", page 23.

The following is a summary of responses:

- (i) Sexual Offences: This was cited as the most frequently unreported crime, both in Whitehorse and in the communities.

Approximately 30% of the victims surveyed (who were asked about unreported crime) and 65% of the other interviewees noted this offence.

Offences within this category most mentioned were:

rape - often associated with juveniles and women over 55 years of age, as victims, and with 'gang' rapes.

incest - this was noted less frequently, but generally appeared to be perceived as occurring with some frequency.

The reasons for non-reporting, in order of frequency from most mentioned to least, were:

- fear of the courts
- shame, embarrassment
- afraid that family, boyfriend, will find out
- did not want to deal with police
- afraid of retaliation from offender/s, offenders' friends or family, own family
- didn't think that they would be believed
- alcohol involved; didn't feel police would take them seriously.

- (ii) Theft/Wilful Damage: These were the second most frequently mentioned types of offences that were not reported.

Approximately 15% of victims mentioned this and 50%<sup>2</sup> of others interviewed. Generally, the thefts referred to were small items: shoplifting where goods had been returned, damage which was not serious. Other instances involved juveniles and the victim confronted the juvenile and parents, and resolved the matter.

<sup>2</sup> It is, however, interesting to note that a number (15%) of victim respondents noted that they had reported offences, because they felt that the police should know about the incident. These 'good neighbour' reporters did not anticipate that the police could do anything about the reported crime.

The most frequently noted reasons for non-reporting were:

- didn't feel police could do anything
- loss not significant enough to warrant the time involved in reporting
- goods were unlikely to be recovered. E.g.: cash, liquor
- offender was known to the victim

(iii) Child Abuse/Neglect: This was cited next most frequently. A number of community people outside of Whitehorse expressed serious concern. However, in part, this is no doubt owing to the fact that situations are more easily identified than in larger centres.

Reasons given for non-reporting, from most frequent to least, were:

- did not want to interfere in the family
- did not want the 'welfare' to become involved
- afraid of criticism from family, neighbours
- parent was a family member
- afraid that children would be taken away from the community
- did not want to go to court
- did not want to affect the relationship between family and professional

Obviously, in this area, the victim will often be too immature or frightened to report and, therefore, there is much greater reliance on reporting by others.

(iv) Other Assaults:

Assaults referred to in this area were as the results of fights, assault of the elderly, and wife battering.

In the case of assaults arising from the altercation between men, or between women, the reasons for non-reporting were: (most to least frequent)

- alcohol involved, felt police wouldn't do anything
- afraid of police
- not sure whether an offence had been committed
- didn't want to get others in trouble
- afraid of retaliation

With the elderly, reasons for non-reporting cited were: (most to least frequent)

- afraid of retaliation

- family member involved, did not want to get them into trouble
- lack of understanding of the justice system
- difficulty in communicating in English

In wife abuse, reasons cited were: (most to least frequent)

- fear of retaliation
- felt police wouldn't/couldn't do anything
- shame, embarrassment
- fear of publicity
- didn't want offender to go to jail
- afraid of the court

#### COMMUNITY FACTORS RELATED TO UNREPORTED CRIME:

One of the most significant factors illustrated by this survey is the size of the community. In small, homogenous communities, in which one might be living not only with neighbours and friends but relatives, there would appear to be a much greater tendency not to report, based on the sanctions within the community and the need to maintain relationships.

A second factor is the proximity to a police detachment. For example, Burwash is located 70 miles from the nearest detachment, resulting in obvious delays in response.

A third factor is the lack of telephones in many rural areas. For example, in many native communities, there may be only one or two telephones, or the only phone may be in the Band Office or store, which is closed in the evening. Coupled with this, may be a lack of transportation for some people.

The lack of alternatives, for example, transition homes, in small communities has also been cited as a factor in non-reporting. If there is no alternative, there seems little point, to some people, in reporting the offence.

CULTURAL FACTORS:

This is a somewhat difficult area in which to make any definitive statements. However, some observations were made by those interviewed, particularly in native communities.

The most frequently raised point was the degree of trust and respect for the police, or perhaps with other enforcement authorities in the community.

In two communities, of comparable size, surveyed, there were completely different reporting and, presumably, non-reporting patterns noted. In one, only four complainants were of native heritage (for the offences under review) which, in the other, virtually all of the complainants were of native heritage. Of course, there are a number of dynamics which might influence this. For example: style of policing, organization of the community, and relations between the native and non-native segments of the community, to mention a few.

A further factor noted in non-reporting was the perception of what constituted a crime. There was a frequently expressed feeling that some people accepted a degree of victimization, or felt powerless to change that situation and, therefore, would not report.

It may be noted that people who are largely powerless will not see much hope for justice in a system which has not changed their degree of powerlessness to any significant degree.



SUMMARY:

If it is the will of the justice system that victims of crime report offences, this would call for greater public awareness, review of styles of policing and a review of system-treatment of victims. One of the effects of the increased focus on victims may be to encourage a greater rate of reporting.

PART VIITHE POLICE

The police are most often the first contact with the justice system for victims of crime. Therefore, they are key in terms of the victim's initial trust in, and perception of, the responsiveness of the criminal justice system.

In Yukon, the R.C.M.P. are the territorial police force and work out of a number of detachments throughout the Territory. Some sub detachments may have only one constable while other detachments may have as many as 8.

There are 14 Special Constables in the Territory; special constables being officers, generally of native heritage, who have taken 15 weeks of training and are under the supervision of a superior officer but who perform most of the duties of a regular R.C.M.P. constable.

In small communities the police are expected to perform a number of functions as they are generally the only 24 hour service available. Involvement in crime prevention and detection is often accompanied by such varied tasks as providing information, transportation, locating individuals and acting often in an intermediary role in anything from neighbourhood disputes to child welfare matters.

(1) Victim Survey Data

Victim Reporting to the Police

As part of the victim survey a number of questions regarding the interaction between the victim and the police were asked.

Certainly, it was confirmed that the police are the first contact for most people with 82.2% of the respondents stating that they called the police first on discovery of a crime. The remainder contacted family, friends or colleagues; in 1 case a lawyer and in another case a minister.

90.6% of those surveyed expressed satisfaction with the initial help which they received from the police; with 6.3% not satisfied and 3.1% not sure.

Generally the crime had been reported by the actual victim (86.9% of the cases) in the remaining situations it was a family member, friend or colleague.

The most common method of reporting to the police was by telephone (74.6%) and as might be suspected there were more reports in person in communities outside Whitehorse.

Police procedures vary for receiving calls, for example, in Whitehorse, an officer on the desk receives calls, records the information and a member is assigned to the case.

In two of the communities, Ross River and Haines Junction, there is no secretary; calls are normally answered by the officer on duty or if they are on patrol, individuals must call a zenith number in Whitehorse and they will attempt to locate an officer by radio.

In Watson Lake, there is a secretary so that between 9 and 5, the telephone is answered and outside of those hours, the procedure is as above.

This process seems cumbersome as rural detachments often have very large areas to patrol, however, no one in the communities mentioned this as a particular problem. In fact, when the researcher had to call the zenith number in order to locate an officer, it took about 5 minutes for the call to be returned.

Constables in smaller communities also report that they do get calls and visits to their homes by complainants.

Not all cases were reported immediately, in some cases, because the crime was not immediately detected such as in the case of an occupied dwelling. 67.4% did report immediately, 7.8% within a few hours, 10.1% the next day and the remainder (5.4%) several days to a week later.

The reasons for reporting to the police were as follows:

To prevent the offender from repeating offence:	48.5%
To get possessions back:	33.8%
Because it was the right thing to do:	15.4%
It was necessary to claim insurance:	.8%
Needed protection:	1.5%

Slightly over 3/4 of the respondents said that they were not reluctant to call the police, and of those who were, they cited reasons such as fear of reprisal (33.3%) felt the police could not do anything (20%), did not want harm to come to the offender (10%), felt it was a private not a criminal matter (10%), too upset (6.7%), afraid of police (3.3%). However, despite these reservations these people obviously did report the crime.

In the majority of cases (52.3%), the police came within 30 minutes, however, in 24.8% of the calls the police did not come at all. Some people interviewed felt that it had not been necessary for police to come eg. reporting a stolen vehicle, however, a number of respondents in this category did not understand why they had not come or did not agree with their reasons for not coming, eg. domestics, wilful damage.

#### Information Exchange Between Police and Victim

40.6% of the respondents said that they knew the police officers to whom they reported the offence, 59.4% that they did not. As might be expected, were these figures adjusted to reflect ratios in communities outside Whitehorse, in about 82% of the cases in those communities, the officer was known to the complainant. It

is not generally the practice of the police in Yukon to leave cards with complainants during an investigation, several respondents had made a point of taking down the officer's name and in several cases the officer had left his/her name and number but, at least in this sample, this occurred rarely.

In terms of the investigation 65.1% of the respondents said that they were satisfied with the police investigation, 12.7% were not and 22.2% were not sure.

There were some variations in this area from one community to the other. For example ratios between satisfied and not satisfied were as follows:

	<u>Satisfied</u>	:	<u>Not Satisfied</u>
Whitehorse	4.5	:	1
Haines Junction	3	:	1
Watson Lake	8	:	1
Ross River	3	:	1
Other	11	:	1

It must be noted that samples are small and therefore conclusions should be cautious, however, it may be indicative of trends. Note that "other" includes a number of communities as defined in Part II.

One of the issues generally mentioned in relation to victims, is the lack of information which they receive from all levels within the system subsequent to reporting.

The Yukon data would substantiate this to some extent. For example 85.3% of the victims stated that they wanted information in regard to

the on going police investigation. 44.1% stated that they did not receive this information. Of the remaining 55.1% who did receive information, 61.1% were contacted by police, 33.3% contacted the police and the remainder "heard through the grapevine" or read it in the newspaper.

In comparing this in the communities, the following pattern emerges:

Information Received Re Police Investigation

	Whitehorse	Haines Junction	Watson Lake	Ross River	Other
yes	55.8%	66.7%	50%	44.4 %	64.3%
no	44.2%	33.3%	50%	55.6%	35.7%

In summary, these responses indicate that about 2/3 of the samples were satisfied with the investigation by the police, 90% with their initial contact with police, while about slightly less than 1/2 of those surveyed stated that they would have liked more information regarding the outcome of the investigation.

Property Recovery

70.1% of those surveyed who had lost property, stated that it was not recovered. 29.2% stated that they had experienced some delay in recovering property. In several cases this was because they had to drive to another community to get it. In the rest, it was held for evidence. However, no one expressed serious concern about the delays.

The police policy is to return property as quickly as possible and in some instances, they are able to photograph it for evidentiary purposes.

The police state that there is a considerable amount of unclaimed property. In speaking with victims, a number of people expressed the feeling that there was no chance of recovery (in 70% of the cases they were right) but a surprising number had not even bothered to check with the police, even with uninsured items.

#### Victims Overall Ratings of Police

In regard to dealing with crime in the community:

	Whitehorse	Haines Jct.	Watson Lake	Ross River	Other	Territorial
good %	40	-	47.6	22.2	14.3	34.9
average %	48	71.4	38.1	33.3	50	46.8
poor %	2.7	14.3	-	22.2	7.1	4.8
DK %	9.3	14.3	14.3	22.2	28.6	13.5

The samples from Haines Junction and Ross River in particular are small and therefore data must be interpreted with some caution. Note that "other" contains offences investigated by the Haines Junction and Watson Lake detachments.

#### Some Comments from Victims

"The police did a good job, the Courts were useless".

"When my husband beat me up, they (RCMP) made me feel it was my fault."

"They were very sympathetic and went out of their way to help me."

"They came right away and did a very thorough investigation."



"I was upset that they didn't come because they had broken the window and taken a rifle and ammunition."

"I was really angry that they refused to lay charges. I went to a lawyer but decided that I couldn't afford to do it myself."

"I treat them okay, so they treat me okay." (this was said a number of times)

"I think they did the best they could, I didn't really expect too much."

(ii) Community Responses

Professionals and key community leaders were asked about their perception of police response to victims of crime. The following outlines the ratings by this group and is not broken down by community:

	<u>Non Native</u>	<u>Native</u>
poor	4	8
fair	7	6
good	4	3
Total	<u>15</u>	<u>17</u>

These responses would indicate that both native and non native people in this group rate the police considerably lower than do victims. Several reasons may be suggested for this; the respondent's own experience with the police, these individuals may be those to whom victims who are dissatisfied went for advice, there would be a greater tendency for a victim to be positive about the person who responds to their needs while this group are influenced by a broader number of factors; the general lack of inter agency involvement by police. It should be stated, however, that virtually all of the interviewees qualified their remarks by saying that; "It depends on the officer".

The following are some of the comments from those interviewed:

"The police aren't tough enough, they won't investigate something if they feel it will get thrown out of court."

"The police are okay, but they don't get any support from the courts."

"It really depends on the constable, some will go (to domestics) when they're called, but some won't."

"They ignore a lot of under age drinking."

"The officer who works with juveniles is good, he seems to know the kids and what should happen to straighten them out."

"They harass people here."

"I think the policing is better here than down south, it's more personal."

"The RCMP Police offered to give talks in the community, but people won't come."

"The police don't have much contact with the Band."

"They need more training in community relations, family matters."

"The police won't work with us, they say they don't have time. I don't think that makes much sense since most of the time we are dealing with the same people."

In summary, this would indicate that the perception of the police by victims is significantly more positive than that of other professionals and community leaders, interviewed in this sample.

(iii) <sup>1</sup> Native Perceptions of the Police

Because the literature has extensively examined the relations between native peoples and all aspect of the justice system, this will be addressed in various aspects of this report.

1. In this report, the words native and Indians are used interchangeably and do not make the distinction between status and non status.

In 1979, a report entitled "We Mean No Harm",<sup>1</sup> was produced by the Yukon Association of Non Status Indians (YANSI), and was a survey of Indian-Police relations in Yukon. Two of the communities surveyed, Watson Lake and Haines Junction are included in the current study. In 1979, 81.3% of those interviewed suggested that relations between the Indian people and the police needed to improve.<sup>2</sup>

The police interviewed cited the need for more time for community relations work and the author observed at that time the amount of racial tension in a community tended to pass over to the police.<sup>4</sup>

The YANSI survey was of course not dealing specifically with victims and the Yukon Indians and the Law Committee which operated from about 1976-79, tended to deal partly in an ombudsman fashion between Indian people and the justice system.

It would appear that since that report, some changes have taken place, for example, many people in Watson Lake commented on improved relations with the RCMP within the past 2 years. Cross cultural in-service training takes place periodically in Whitehorse.

1. Ted Parnell, "We Mean No Harm". In this survey 91 Indian people, 14 police and 31 resource people were interviewed in four communities.
2. Ibid page 23
3. Ibid page 9

Police in the communities visited in this survey, tend to be very involved with sports and often, as a consequence, with juveniles.

Certainly, more people within the native community were critical of the police than were non natives. Some feeling that police accepted a greater degree of violent behaviour in situations between Indian people; others that they were harder on Indians. Special constables, were not necessarily seen in a more positive light, and there would appear to be, at least in this limited survey, the overall feeling that the police are part of the "other side".

In general it might be observed that the police tended to feel that there was a more positive relationship with the native community than natives did.<sup>1</sup> However, as noted, there was an acknowledgement that things were changing for the better, and people tended to cite interactions with specific constables rather than the police per se.

During conversations with a number of native people, they raised the issue of band constables, hired by and responsible to the Band. One might assume that at least part of the general support for this, is indicative of some dissatisfaction with the current policing system. It must also be said that it is also part of the general thrust on the part of native organizations to develop more indigenous structures.

1. This was similar to the finding by Ted Parnell, Page 121.

(iv) Summary

The data in this survey would indicate a considerable degree of support for the police on the part of victims and a somewhat less favourable response from other professionals and community leaders interviewed.

Indian-police relations would appear to be improving but there still remains a considerable lack of trust on the part of some Indian people.

RECOMMENDATIONS

- I. Owing to the apparent lack of information given to the victim as the investigation proceeds or concludes; it is recommended that:

"Police attempt to implement to a more stringent degree their policy in this area."

- II. Owing to the lack of clear understanding on the part of some victims about why the police do not attend a call or why charges are not laid, it is recommended that:

"The police clearly explain procedures to complainants on their initial call or visit to the station."

- III. Because of the greater number of officers in Whitehorse that:

"Victims are given the name and number of investigating officers."

Funding Implications: While recommended procedures might take somewhat more time, there is no "new cost" factor.

P A R T V I I ITHE COURTS

"Justice must not only be done but be seen to be done."

In this section on the courts, included are the Crown Attorney's role, the Justice of the Peace, and Circuit Courts as well as Whitehorse, Probation, sentencing and the victim as witness.

One of the most startling revelations for most people, outside of the justice system, is the distinction which is made between civil and criminal law. That is that:

"The civil law is designed to provide private redress to individuals, whereas the criminal law is concerned with public order and the treatment of offenders is against that order." 1

The result, as the author further points out, is that:

"the personal interests of the victims of crime have been largely subordinated to those of society, as defined by the state, both as a matter of criminal policy and penal philosophy." 2

The historical reasons for this, at least in part, were an attempt to guard against the concept of victim retaliation and personal vindictiveness toward the offender. This remains an important factor in the ongoing academic debate about the incorporation of a greater degree of compensation for the victim into the criminal system.

1 Yvon Dandurand, "Notes on the State, the Offender, and the Victim", page 12.

2 Ibid, page 12.



While this study can not statistically validate this, it is the impression that, by far, the majority of the public make the assumption that the criminal justice system is there to redress wrongs committed to the victim, and not that these wrongs come to be seen by the system as against the state.

As has been noted in previous sections of this report, there appears to be considerably less support for the courts than, for example, the police. It might be suggested that the incongruity between the public perception of purpose and the system's interpretation of purpose may contribute significantly to this disillusionment. A second point that might be made is that, upon further examination, the loss of faith 'in the courts' is less a criticism of judges and more a comment on the perceived enforcement of sentences.

#### THE COURT SYSTEM IN YUKON:

In Yukon, the Supreme Court and Territorial Court are located in Whitehorse.

Circuit Courts attend the major centres on an average of anywhere from two to six months. The court party is composed of the Judge, Court Clerk, Crown Attorney and Defence Lawyer. In some communities, the Defence and Crown may go a day before the court. In others, the court party goes at the same time. In these instances, witnesses (and clients) are generally interviewed just prior to the court, and some trials may be set over to the next Circuit.

Justice of the Peace Courts function weekly in one of the larger communities, monthly in others. At this point, not all communities have sitting Justices of the Peace. In Justice of the Peace Courts, the RCMP generally represent the Crown, and only rarely are Defence Counsel involved.

Juvenile and Family Court is presided over by the Territorial Judge, except in the case of Watson Lake, where one of the Justices of the Peace is a Family Court Judge.

### 1) Victims and the Court Process:

In the survey sample, 61.8% of the charges were not cleared. Of those that were cleared (25.6%), a large percentage would seem to have resulted in guilty pleas. Therefore, the actual sample of those individuals who went to court is 10% of the sample. <sup>1</sup> From this small number, results must be taken with some caution.

In order to fully explore this issue, a larger scale study, identifying victim witnesses, would need to be undertaken and, given the small numbers, over a much longer period than six months, as was the case in this study.

### Data Results:

In the Yukon, subpoenas are served by the RCMP. All of those receiving subpoenas stated that they were served personally. As a result, they were able to ask questions of the police. The main questions asked were:

Do I have to go?	42.9%
What if I can't go?	28.6%
Other (which includes basic legal questions)	28.6%

<sup>1</sup> In the N.W.T. study, they experienced similar problems with 11% of the sample having been witnesses.

Ninety-two point three percent, on receiving the subpoena, stated that they understood that this meant that they would have to testify. Respondents stated that they generally received subpoenas one to two weeks before the court date.

The RCMP state that they explain the subpoena to those served, and attempt to answer any questions.

Thirty point eight percent stated that they had received one to three calls from the Crown Prosecutor, or RCMP, prior to court. And, the remaining 69.2% stated that they met with the Crown, or RCMP, prior to going into court to review their testimony.

One third said that they were satisfied with the pre-trial information, one third that they weren't, and one third weren't sure. Two thirds did state that they were nervous about giving testimony. As a result, 62.5% said that they felt intimidated (generally by the Defense Lawyer), 25% felt that they didn't have enough information, and 12.5% that they did not receive personal attention.

While one third of the sample stated that they had felt some community pressure not to testify, they had proceeded.

Despite the apparently little amount of time spent with witnesses and their own perceived concerns, the two judges and five Justices of the Peace interviewed all stated that witnesses appeared well-prepared by the Crown.

Language difficulties were not presented as a major concern, and all court officials stated that translators were made available when needed. The most frequently mentioned language difficulty was that of understanding the legal jargon.

In terms of problems related to a court appearance, such as transportation, baby-sitting, or time off work, very few people found this a difficulty. Fifty-four point five percent of witnesses stated that they had to travel to another community for court. In one instance, police provided transportation; in others people drove or got rides with friends. In two cases, they hitch-hiked. The police state that they will attempt to bring people into town for court appearances. In Whitehorse, however, court clerks note that they often receive requests about transportation after the case has been heard.

As the most readily accessible people within the court system, clerks are often approached with a number of questions, the most prevalent being (in addition to transportation):

- information about when the case will be heard
- scheduling of cases
- problems regarding contact with the Crown Prosecutor and/or Defence Lawyer.

Despite the concerns raised by witnesses about the experience, 58.3% say that they would be willing to testify again, 25% would be unwilling, and 16.7 weren't sure.

Witness Fees:

In Whitehorse, the RCMP or Crown must complete the voucher for witness fees, of \$10.00. The witness then takes the voucher to the office for payment. (This office closes, however, at 4:00 p.m.) Witnesses may also receive reimbursement for travel, meals and hotel. Expert witnesses receive \$360.00 a day.

On Circuit or in Justice of the Peace Courts outside of Whitehorse, the RCMP completes the claims, which the court clerk then brings back to Whitehorse for a requisition of cheques.

There did not seem to be a clear understanding of whose responsibility it was to tell witnesses that they could receive fees. In this sample, 23.1% of the witnesses collected fees. Seventy-six point nine percent did not. In the cases of those who did, one third were told by police, one third by Crown, and one third did not remember.

Summary:

The statistics cited in this section, while limited by sample size, also do not adequately reflect the emotional experience that being a witness was for many people. Most people had assumed that the Crown was "their" lawyer, and felt that, as such, he/she did not protect them as witnesses in the same rigorous manner that Defence Lawyers protected their witnesses. For most people, it was simply a matter of getting it over with. Several said that they felt that they were the offenders under cross-examination. One witness, who was a professional, stated that the experience was so traumatic (although the offence was a relatively minor one), that he would be very cautious before undertaking such a complaint again.

One then wonders how much less-trained and articulate people must feel. The few witnesses interviewed who had been victims of sexual assault or battering, were also traumatized by the event and felt that, because they were so nervous, that they did not present their evidence well.

For some people, at least, it would appear that having your "day in court" may not be an entirely satisfactory process.

i) Sentencing:

While victim witnesses were asked their response to the sentence imposed (if the accused was found guilty), all victims were surveyed about what they felt an appropriate sentence would be for the crime committed against them. It would appear that it is the sentencing process and enforcement that represents the Justice system to the public, perhaps to a greater degree than the actual process of reaching that point. Certainly, it is sentences which are most visible; they are published in the newspaper, as are appeals on major cases, perhaps much more so in the Yukon than in the Provinces.

In terms of victim witnesses, 58.3% felt that the sentence was about right, 33.3% that it was too lenient, and 8.3% were not sure.

As noted, the rest of the sample was also asked about appropriate sentences. In doing this, the impression was that people were very reasonable and personal vindictiveness was not really a significant factor. Respondents were asked whether

they felt that probation, jail terms, restitution/community work would be appropriate. The majority of people stated that it depended on the age and number of previous offences committed by the offender. In cases of juveniles, respondents did express the concern that nothing seemed to happen and suggested that they would have liked an apology, restitution (if not by the juvenile, by the parents), or would accept seeing some community work done. In some cases, respondents saw counselling as the most appropriate sentence.

Except for the serious assault cases, respondents were overwhelmingly cynical about a jail term. At least in this sample, few people seem to be under the impression that jail is either rehabilitative or 'correctional'.

In general, in terms of property offences, respondents wanted some form of restitution or compensation for the loss. Many supported the concept of community work, either for those who could not pay or in conjunction with restitution. Their reservations were in their perception of lack of enforcement of these latter two options. Some people were not supportive of probation, seeing it as "somebody having to go in to talk every once in awhile". For those who did support probation, there was a greater understanding that it could entail restitution or community work.

The responses, in regard to what people thought as the best sentences, were as follows:

Probation	20.5%
Jail, 30 days	5.7%
Jail, 1 - 6 montns	9.0%
Jail, 6 months to 2 years	4.9%
Jail, 2 years or more	2.5%
Restitution	57.4%

In general, the lesser jail terms of 6 months and under were for repeated offenders of theft, common assault; the longer sentences were for the more serious assaults.

General comments in regard to sentencing were also made as a result of this question. Several people expressed the opinion that sentences for persons committing serious assaults were not severe enough. One respondent stated that "people kill one another and get off, impaired drivers get stomped on".

Of those respondents who had had some experience with restitution, the most common remark was that it was not received; in reference to community work, the comments were that it did not seem that it was being done.

In terms of comments in regard to Circuit Courts, a number of people, both victims and community leaders, expressed the view that, because of the length of time between Circuits, the court process was ineffective as, by the time that a few months had elapsed, witnesses were less anxious to testify and, in most cases (except for the most serious assaults) people in small communities had resolved their dispute in one way or another. Some respondents expressed the view that there was too little time spent with either offenders or victims by the court officials prior to trial, and others that the Circuit Court was unrealistic in sentencing, because they were not aware of community dynamics.

Justice of the Peace Courts were seen more favourably in some communities, because the Justice of the Peace was aware of local conditions and the regularity of the court hearings made it more effective. In other communities, some people said that



they thought that this court was a "police court" or that sentences were ineffective. Some professional and community leaders expressed concern about the lack of training for Justices of the Peace, and felt that this undermined the potential for effectiveness.

### Enforcement of Sentences

As noted previously, on closer analysis of expressed dissatisfaction with the courts it is more often dissatisfaction not always with the sentence per se, but with the perceived lack of enforcement.

In the Yukon, in 1981-82, in adult court, there were 191 probation orders made ordering restitution, and 230 ordering community work. These two together represent over half of all cases in which probation is ordered. In other words, in at least one half of the cases in which probation is ordered, the offender is expected to perform some tangible form of redress.

At this time, there are no statistics available for the number of instances in which restitution ordered, has been paid. Therefore, it is not possible to say whether the common impression that it is often not, is valid. While there are breaches for non-payment, these must be undertaken only if wilfulness not to pay can be established and, therefore, the number of breaches would not, in itself, show the actual instances of non-payment. Enforcement of restitution is basically seen as the probation officer's responsibility, but it is difficult to say how consistently this is followed through in practice. Certainly, there is currently no system of keeping the victim informed, either of the actual order or reasons for non-payment.

In terms of community work, probation officers report about an 80% completion rate. In Whitehorse, there has apparently been very little problem in finding suitable community work placements (for adult court) and the officer states that the majority of placements will continue to take probationers, indicating that they did not find the experience a burden. Placements are supervised by volunteers who are responsible for making a report to the probation officer on the success of the placement.

Outside of Whitehorse, the situation varies significantly from one community to another. At present, all probation officers, but one in Watson Lake, work out of Whitehorse. Therefore, there is no officer on site to provide back-up for placements. Probation officers responsible for communities generally arrange placements on visits and, of course, are available by telephone.

During the visits to communities for this study, the issue of community work arose several times. Some band members felt that they did not want to be in the position of supervising a probationer (often a friend or relative); others that they would, but had not been asked. Several other community members expressed dissatisfaction with the supervisory role, as they felt that they did it only as a favor, but that often the probationer had no skills and was a responsibility, as opposed to providing a service.

As with restitution, there is no routine information system between the victim and the system about the sentence, or how it is being carried out.

The situation would appear to be very similar in juvenile court - probation with restitution and community work is ordered. There are, however, no statistics on the numbers of such orders. In Whitehorse, the juvenile probation officers arrange placements and in outside communities, it is the responsibility of the Department of Health and Human Resources social worker, who is also the juvenile probation officer. In this respect, because there are six field officers, juvenile probation officers are in much closer proximity to probationers outside Whitehorse than are adult probation officers.

### Court Facilities

For many people, attending court is an anxiety-ridden experience. If, when there, they are subjected to long waits, with no information as to length of waiting time, and no access to the usual amenities available in waiting rooms, this can greatly exacerbate the frustration with the justice process. The right to have some privacy from the offender seems to also be an important factor which courts should ensure. The court facilities in Whitehorse and in outside communities were discussed with interviewees.

#### (1) Communities Outside Whitehorse:

This seems to be one of the few areas in which the communities may be better served than Whitehorse. Some communities have somewhat formal courtrooms, which are easy to locate for most people, and do provide some privacy for victims and offenders to wait in separate areas.

In other communities, court is held in a public structure, ranging from a curling rink to a community hall. However, both because of the volume and the relative infrequency of hearings, no one expressed particular concern about facilities.

#### (2) Whitehorse:

Currently, the courtrooms both Supreme Court and Territorial, are on the upper level of a government building, which also houses a number of government departments, as well as the post office.

There was no ambivalence expressed about the facility, and comments ranged from: abysmal, a disgrace, embarrassing to potentially volatile. Because of the greater volume, this is particularly noted with Territorial Court. There are no separate waiting rooms for witnesses and, on busy days, wooden chairs line both sides of the narrow hallway, which can be filled with as many as twenty people.

With the Supreme Court, it is somewhat better, as witnesses can wait in the library or an outer waiting room. But, again, little privacy is provided.

Of those victims surveyed who attended court in Whitehorse, no one expressed a problem about locating the building. However, several did have trouble locating the courtroom and, once there, knowing what they were supposed to do. There is no reception area, so unless witnesses saw someone they knew within the system, they were at a loss.

### Summary

The court facilities; specifically in Whitehorse, raise a number of problems. One, for example, being the necessity to have a separate juvenile court. This is not possible under the present circumstances and, therefore, the attempt is to schedule juvenile cases at times when there are no adult cases. There has recently been a move to hold juvenile courts one night a week.

Many of the same issues apply to family court and are particularly undesirable when there are child witnesses in either family or criminal court.

In summary, court facilities in Whitehorse appear to have been designed by someone who anticipated no waiting time and that there would only be a few people at a time present. These facilities clearly do not meet the standards set out earlier in this report as a victim's right.

### Diversion Committees:

There have been several attempts to develop diversion committees in Yukon. Two

will be briefly mentioned, as they do relate to victim involvement.

(1) Watson Lake Diversion Committee:

This committee has been functioning for some time, and is comprised of approximately fourteen native and non-native members. The committee generally takes referrals from court, and has the discretion of accepting cases or not. In general, they hear a higher proportion of juvenile than adult cases. Two of the members interviewed stated that the committee worked well for victims, as the victim was interviewed and had input into the hearing. In some instances, there was also mediation between the victim and offender. One member noted that it seemed to be very effective with juveniles when someone talks to them and helps them to understand the victim's point of view.

(2) Juvenile Diversion Committee - Whitehorse:

This committee is only in the initial stages, and has heard three cases to date. However, one of their primary goals is to mediate between the victim and offender.

(iv) Native Views of the Court System:

There seem to be two divergent, but often expressed, views about the racial character of justice. The first is that Indian people are treated more leniently by the system and the other that they are not treated fairly.

McCarney has noted that, because of the lack of legal services in native communities, the law is often viewed "one dimensionally as an enforcement mechanism".<sup>1</sup> In a report by the Yukon Indians and Law Committee, it was stated that:

"In dealing with the questions concerning the Courts, the people answering gave a universal indication that the Indian people did not understand the courts, they did not understand their rights before the Courts and although they felt that the Courts in some way represent a Justice, they did not feel the Courts related to Indian people."

2

<sup>1</sup> R. McCarney, "Legal Services for Native People in Canada", page 33.

<sup>2</sup> Report, Yukon Indians and the Law Committee, page 7.

Parnell, in his 1979 study of Yukon Indian-Police relations, found that Indian people, for the most part, were lost in the "culture of courts".<sup>1</sup> Both Parnell and McCarney commented on the Justice of the Peace role. Parnell found that:

"Traditionally, justices of the peace are white and enforce the legal standards of the dominant culture. These courts are generally looked at by Indians as extensions of the police operation."<sup>2</sup>

McCarney recommends an increased Justice of the Peace role in order to avoid the breakdown between the people and the judicial system.<sup>3</sup>

In this study, three key points emerged in interviews with community people. The first is the need for information about the court process, a role many saw a native court worker doing for both victims and offenders; secondly, more public education about the justice system and; thirdly, an increase in native Justices of the Peace.

A number of natives who were victim witnesses expressed the view that they simply wanted out of court as quickly as possible. The judges also expressed the concern that they recognized this and felt that witnesses often may not give full testimony because of their feelings of intimidation.

<sup>1</sup> Ted Parnell, "We Mean No Harm", page 24.

<sup>2</sup> Ibid, page 28.

<sup>3</sup> R. McCarney, "Legal Services for Native People in Canada", page 70.

The justice system has, in the past few years, made concerted efforts to encourage native Justices of the Peace. However, there is, at present, none who hear cases. In one community, an attempt has been made to establish a tribal council, and this appears to be functioning to some degree.

In summary, it would appear that, of those<sup>3</sup> native people interviewed, most did not feel a particular antipathy to the court, per se, but did see the whole process as intimidating, incomprehensible and providing little support for Indian people.

In two of the smaller communities, community members mentioned that it would be educative for people if courts were held in their communities (Upper Liard and Burwash). These respondents felt that it would be more meaningful to people, and, therefore, would serve to help residents understand the process.

RECOMMENDATIONS:

IV Owing to the general lack of understanding by many witnesses about their role, it is recommended that:

"A pamphlet outlining the witness role, testimony and where to receive information on arriving at court be prepared and distributed with subpoenas."

V In view of the perceived lack of attention by witnesses, it is recommended that:

"A witness management program incorporating volunteers in Whitehorse and the communities be established. This program would be responsible for: information to witnesses regarding scheduling of cases; informing witnesses about fees, expense reimbursement; assist the witness to locate the RCMP or Crown Attorney."

VI Owing to the general lack of information which a victim receives from the court system, it is recommended that:

"The Police, probation officers, Crown Attorneys, Justices, meet to establish a procedure for informing the victim about the charge, the sentence, reasons for the sentence and his position."

VII In order to attempt to facilitate the current payment for witness fees on Circuit Courts, that:

"The court party carry a petty cash fund on Circuit for immediate reimbursement to witnesses."



VIII In order to address some of the needs of native people, it is recommended that:

"The native court worker program be reviewed with a view to expanding to communities, preferably by employing local people."

IX

"That consideration be given to the re-establishment of a committee similar to the Yukon Indian and the Law Committee, which could act as a Territorial advisory body to all parts of the justice system, including the police and courts."

X

Owing to the current inadequacy of the Whitehorse court facilities, that:

"The Government of Yukon consider the provision of new facilities as expeditiously as possible."

FUNDING IMPLICATIONS:

Recommendations VI and VII do not entail "new costs".

Recommendation IV: entails some cost in design and production of a pamphlet, but could be done within existing government services with text prepared by the Crown Attorney's office.

Recommendation V: witness management program. In other jurisdictions where this is in operation, there is generally a paid co-ordinator who works with several volunteers. In Yukon, the co-ordinator could likely be part-time, or this function integrated within a full-time position. Community volunteers outside of Whitehorse could be trained in Whitehorse or, more efficiently, by a court clerk on Circuit.

Recommendation VIII: the establishment of a justice advisory body would entail minimal cost for travel expenses and may possibly be cost-shared with a native organization.

Recommendation IX: Native court workers; any expansion will, of course, entail additional salary cost. For this reason, a review is suggested in order to ascertain the funding increase needed.

Recommendation X: new Whitehorse court facilities entails a major capital cost, estimates of which are, no doubt, readily available within the Department of Justice.

P A R T I X  
SPECIAL ISSUES

In the course of this study, several specific areas emerged as issues which will be addressed in this section. These are:

- (1) Business
- (2) Violence Against Women
- (3) Alcohol and the Victims of Crime
- (4) Children as Victims of Crime
- (5) Juveniles
- (6) The Elderly as Victims of Crime

1) BUSINESS:

A sample of small businesses in Whitehorse and the communities were interviewed. The types of offences discussed were: break and enter, shoplifting, fraud, theft and wilful damage.

Sample Size:

Whitehorse	10
Ross River	2
Haines Junction	4
Watson Lake	5

Purpose:

It was felt that smaller, owner/operated businesses are particularly affected by crimes which, to larger businesses, may be less significant. In addition, businesses, particularly in small communities, are an integral part of the social fabric of the community and their perspective on the justice system can have an

impact, both politically and locally, on how the system functions. In some instances, as with a number of the Justices of the Peace, some members of the system may, in fact, be business people themselves.

In this survey, it was found, with the exception of Ross River, that much of the crime tended to be directed to business, or public institutions, as opposed to private residences.

### Issues Raised:

(i) The Police: In both Whitehorse and the communities, those interviewed were very positive about their relationship with the RCMP.

They noted that police responded quickly to complaints and were sympathetic to their situation. In addition, several business people in Whitehorse mentioned that they were impressed with the manner in which the juvenile officers (there are two) handled the cases. In general, these respondents stated that they respected the opinion of the RCMP as to whether or not charges should be laid.

In one community, the store owner mentioned an instance in which the police officer had mediated between the juvenile, his family, and the store owner in order to make some form of restitution. This particular individual felt that this was a positive and effective role for police.

In general, all of those interviewed expressed satisfaction with the police investigation and did not have the same concerns, as did other victims, as they appeared to receive information on the ongoing results of investigation to a greater degree than did private individuals.

(ii) The Courts: As with the general public, most of the dissatisfaction expressed with the justice system was in reference to the courts.

Comments were related to:

- (a) leniency of sentences, particularly for shoplifters
- (b) lack of consultation in regard to amount of loss, in relation to a restitution order

- (c) failure to receive restitution
- (d) lack of information about the outcome, if the case went to court
- (e) delays for hearings in Small Claims Court and, outside Whitehorse, the inconvenience of having to apply through Whitehorse
- (f) length of time between circuits; lack of knowledge by the Circuit Court about local situations

Comments from Respondents:

"It took 6 months for Small Claims Court to process one case. By then he (the defendant) was long gone."

"I only get 25% success rate through Small Claims Court."

"It's impossible to get the Small Debts Officer by phone. It's not worth the time."

"The little guy doesn't have a chance. Legal costs are too high in Civil Courts; small claims should be raised to \$10,000.00."

"If an employee steals something, the police won't lay a charge. They say it's a civil matter. I don't understand that."

"Parents should be made to pay for offences that juveniles commit."

"I've never heard what happened (in court) except through the newspaper. I'd like to know what's happening, if the guy's on probation."

"Restitution is a joke. I've never seen it."

"I'm really impressed with the officer who works with juveniles. He knows the kids and seems really fair."

Summary:

The amount of time which small business owners and managers spend on the reporting and investigation of offences would appear to be significant.

In general, those interviewed were positive about the police and negative about the outcome in court, seeing sentences as being ineffective as deterrants, or as redressing the situation for the victim.

While some expressed the view that sentences were too lenient, the majority did not favour jail sentences, stating that this simply compounded the cost to the public. A frequent comment was that there was an increasing tendency to not report petty crimes and to accept a certain level of loss and/or "to deal with it themselves".

In many communities, the business people are part of the "establishment" and, therefore, their views have a significant impact on both the political view of the system and, to some degree, on the implementation of justice by the various actors in the system.

The following are suggestions by interviewees for improving the system:

- (i) Small Claims Court should be held in communities.
- (ii) Application forms should be available in locations other than Whitehorse.
- (iii) Store owners should be able to prohibit people from their store who have habitually committed offences there. (There appear to be differing legal opinions on whether this can be done under the Fair Practices Ordinance, although it is allowed under the Liquor Ordinance.)
- (iv) Several owners expressed willingness to have the offender do work for him/her as restitution, if the person were supervised by the probation officer or RCMP, not necessarily on a daily basis. But, the owner wanted to know that there would be reasonably frequent contact with themselves, the offender and the official.

(2) VIOLENCE AGAINST WOMEN:

In a study of factors affecting the fear of crime, it was found that the single most important factor is gender, with females being much more likely than males to be fearful of crime.<sup>1</sup> In fact, crime statistics indicate less incidence of crime toward women, including violent crime.

However, as has been noted in the section on unreported crimes, the community perception is that there is a much greater incidence of wife battering and sexual assault than the reported figures would indicate.

This would appear to be equally true throughout Canada. Linda MacLeod, in her study, estimated that one in ten women were battered at some time in their relationship<sup>2</sup> and Brickman, in a study of a random sample of women in Winnipeg, found that one woman in seven had been raped, and one in five had experienced some form of sexual assault.<sup>3</sup>

While we have no similar figures for Yukon, the reported rapes are probably less than twenty-five for the Yukon in a year. Separate statistics are not kept for wife battering. However, the Yukon Women's Transition Home, which offers shelter to women and children in a variety of crisis situations, found that 84% of the women who went to the home have been battered at some time, although only 51% actually come to the home for reasons of physical abuse or fear for their safety.

<sup>1</sup> R. Toesland, "Fear of Crime: Who is Most Vulnerable?", page 203.

<sup>2</sup> L. McLeod, "Wife Battering: The Vicious Circle."

<sup>3</sup> As quoted in D. Kinnon, "Report on Sexual Assault in Canada", page 2.

<sup>4</sup> A. McLaughlin, Yukon Women's Transition Home, Evaluation, February 1983.

Survey Data:

Fifteen individuals were interviewed who had been victims of wife battering or sexual assault. In addition, representatives of women's groups, professionals, and community people were interviewed.

As previously noted, sexual assault was a <sup>z</sup>major concern and, in fact, three men mentioned the need for more stringent sentences for rapists and sexual assaulters.

Reasons for non-reporting have been discussed elsewhere and will not be repeated here. However, one factor which permeates this issue for women is that this is the one crime in which the victim perceives double victimization - first from the offender and secondly from the system.

Cases of wife battering are both difficult and frustrating for the police and the courts. Repeat victims are a concern and an annoyance to the system when they refuse to lay charges or withdraw them. From the victim's perspective, the system may seem unresponsive and may not provide the protection to which she feels entitled.

For rural women, the situation may be even more difficult; making a decision to change means not only leaving home, but leaving the community as well. Housing is often limited. There are no transition homes outside of Whitehorse, and there may be a great deal of pressure from extended family to accept the situation. In addition, there are limited educational and employment opportunities which would assist her to opt for independence.



The comments of some of those interviewed may give some indication of the issues, from the victim's perspective:

"My friend was raped, but she didn't tell her boyfriend; she desperately needs help and is falling apart. I'm afraid she's going to break down."

"They get those young girls drunk, and rape them. Then, if their parents find out, they are ashamed and tell them to keep quiet."

"After my old man beat me really bad, I went to the police. They told me I had to wait 24 hours before I laid a charge. I didn't go back."

"I wanted the court to do something. I got so mixed up. I wanted a peace bond, but the judge asked my husband if he'd go for counseling. He said yes. So, no peace bond."

"It was the second time I called the police after my husband beat me. They said they wouldn't come unless I laid a charge. I just wanted them to put him in jail until he sobered up."

"Everyone saw what happened when \_\_\_\_\_ went to court. She was too embarrassed and didn't understand those terms for your body. The lawyer got her all mixed up, so the guy got off (from a rape charge). I don't think anyone here would go through that."

"My opinion is that most women won't discuss sexual offences with a man. I think that if more female officers were available, they would report."

"The police came, he (husband) had smashed the furniture and hit me and my son was terrified. The police said that they couldn't take him away, but offered to take me to the Transition Home. But then he hit me again and they took him. I couldn't bring myself to lay charges."

#### Police Procedures:

In the communities surveyed, all of the police stated that they regularly attended domestic disputes and that they were given priority. Officers stated that they would remove the offender if an assault had obviously taken place. Only rarely did police lay charges, but did encourage the victim to do so.

In Whitehorse, the policy is to detain the offender if the victim is in imminent danger.

Police will also transport the victim to the Transition Home or other safe place.

It is the police policy to do call-backs on domestics one or two days after the report.

All officers interviewed expressed considerable frustration and concern about this area. While new recruits are given a course in crisis intervention at the RCMP College, there is no ongoing in-service training in this area at this time, and there is not a policy of having officers specialize.

The same would be true for sexual offences. Complainants are interviewed by the officer on duty and there are no special police policies or training in this area.

#### The Courts:

Peace bonds are generally the most common use that battered wives make of the courts and, while there are no statistics available, it would appear that many women favour this option over the laying of criminal charges.

Like the police, this is a consistently frustrating area for the courts, and several Justices mentioned that they attempted to encourage spouses to seek counselling.

In terms of rape cases, all of those interviewed within the system, acknowledged the difficulties for the victim, but also expressed the importance of protecting the rights of the accused.

### Social and Health Agencies:

Health Agencies noted that they frequently saw cases of wife battering, although this did vary from community to community. Most health personnel stated that they found it difficult to ask patients if they had been battered, if the patients did not raise it themselves. Some stated that they did try, but were very sensitive about infringing on the woman's privacy. Others noted that there usually was very little time, for example: in hospital emergency. In cases of sexual assault, however, health personnel use a sexual assault kit in order to document evidence.

Social Agencies generally did not see many cases of sexual abuse or wife battering, except for the Department of Human Resources and the Department of Indian Affairs, which fund women who go to the Transition Home.

### Services Available to Women:

In the communities outside of Whitehorse, the services would be the police, health personnel, in some cases social workers, and the clergy. There are no specialized services for women. However, women do come to Whitehorse, to the Transition Home, and can call the Women's Centre (Whitehorse) for counselling.

In Whitehorse, the specialized services are Kaushee's Place - Yukon Transition Home, and the Victoria Faulkner Women's Centre, supplemented by the Mental Health Service and Family Counselling Service.

In terms of legal information, the native court workers do provide assistance, both in Whitehorse and by telephone for communities.

RECOMMENDATIONS:

Funding to such services as the Transition Home and Women's Centre tends to be both too little and uncertain. Therefore, it is recommended that:

XI "Funding for the Transition Home be on a block funding bases, and sufficient to assure access for rural women", and that

XII "Funding for the Women's Centre be expanded in order that rape counselling services can be extended; perhaps for communities through a toll-free number, and that larger centres be assisted to establish such centres where feasible."

Information about services is not always readily available, therefore it is recommended that:

XIII "The police, social and health agencies have sufficient information available about these services", and

XIV "Incorporate into their policy, a practice of referral where warranted."

The history of abuse to women has been rooted in the ethic of non-interference in the family, and a belief that such problems as wife battering cannot be solved through criminal procedures. The recently passed assault legislation, Bill C-127,

will now permit police officers to arrest battering husbands, even though the police have not witnessed the assault. Manitoba has already undertaken that the police in that province will lay assault charges. It is, therefore, recommended that:

XV "The RCMP in Yukon review practices in handling domestic complaints, including the implications of the recent legislation in order to reduce the acceptability of wife battering within the community."

In terms of sexual assault, the new legislation makes provision for the remedying of some of the areas which women found very difficult. It will remain to be seen how it will work in practice.

FUNDING IMPLICATIONS:

Recommendations XIII, XIV, and XV are not "new cost" items, but directed to improved policy and procedures.

Recommendation XI: funding to the Transition Home is currently under review, and a total budget of \$147,000.00 has been requested from the Government of Yukon, and Department of Indian Affairs. This will provide basic staffing and, it is proposed that funding be on a block basis in order to ensure that all women have equal access to the home without the necessity of becoming the clients of a social agency.

Recommendation XII: the Women's Centre in Whitehorse is funded by the Secretary of State, and much of the work is done by volunteers. Should other communities wish to establish similar centres, the cost would be minimal, as facilities in small communities are often available for a nominal amount, or free. An operating budget for a larger community would likely be no more than \$10,000.00. However, success would be reliant on the will of the community residents.

### 3) ALCOHOL AND THE VICTIMS OF CRIME:

Many articles have been written in the Yukon on the serious consequences to the society of a rate of alcohol consumption, which is several times the national average.

From the perspective of this report, alcohol abuse was cited by all those interviewed in the justice system, and in the community generally, as a significant contributing factor, not only to the commission of crimes, but to victimization. Indeed, it appears that many people agree that, if alcohol abuse were not present to the current degree, the justice system, as it is known in the Yukon, would collapse.

The extent of the inter-relationship between alcohol abuse and victimization may be illustrated by the following examples:

While victims of impaired driving were not covered in this study, there has been a national focus on this by victims of this crime, as well as their families.

In a 1980 study done in Yukon, it was found that the impaired driving rate was three times the national average. The author found that, in 1979, in relation to alcohol-related traffic accidents, there were four deaths, 26 people injured, and 69 accidents with property damaged. While these figures are very low in relation to larger centres, they do, according to the author, mean that:

"Impaired driving in Yukon caused immeasurable grief to the families of the dead. It also adds hundreds of thousands to health care and property damage costs."

1

<sup>1</sup> C. Hursh, "An Analysis of Impaired Driving in the Yukon", page 31.

The Detoxication Centre in Whitehorse estimates that about 50% of the men, and 90% of the women who come to the centre, have been victims of crime.

In a recent report on the Yukon Women's Transition Home, 71% of the residents reported that alcohol or drug abuse was a significant problem for themselves, their partner, or both.

One physician estimated that common assaults and assaults causing bodily harm decreased by 70% after the police instituted a practice of jailing intoxicated people over night.

Whether valid or not, many victims surveyed ascribed much of the theft to people who were looking for money to buy alcohol.

Another indicator in the relationship between alcohol and the justice system is the public perception of how a crime is defined when alcohol is involved.

The following comments indicate some aspects of this perception:

"Victims who are drinkers are not taken seriously by the justice system." (A community worker)

"When they're drinking, and something happens, they call us and want to lay charges. The next day, when everybody sobers up, they want to forget all about it." (A police officer)

"I was at the hotel and had a few drinks; when I left, these guys jumped me, broke my jaw and took \$400.00. The police wouldn't do anything." (Victim surveyed)

"This woman was raped by four men; they were all drunk. There was one witness who wasn't, though. The police talked to him, but nothing happened. It's hard to understand the justice system." (A minister)

"I don't go for this getting off (of a charge) because the person was drunk. If you read the newspaper, it seems they hardly get anything. It's not a good excuse." (Victim surveyed)

"Lots of people don't report crimes when they've been drinking. They know the police won't do anything." (A community citizen)

"I went over to this house party, and these guys jumped me. I went right down to the police, but all they wanted to know was if I'd been drinking." (Victim surveyed)

"I went to a party and these people came in. Two of them beat me. I reported it to the police - that's never happened to me before - they wanted to know what I did, and if I had been drinking. I was really mad, but nothing happened, all the same." (Victim surveyed)



These few examples would indicate that certainly being intoxicated makes one more vulnerable to victimization. At the same time, some interviewees felt strongly that some crimes were implicitly tolerated by authorities because alcohol was involved.

It is certainly easy to understand the frustration of authorities in these areas. However, to many people, it seems that crimes such as rapes and assaults are criminal offences, and should be treated as such whether the victim has been drinking or not. There are, of course, certain factors, such as the need for a credible witness, which may, in fact, be difficult to establish. The danger seems, however, that, because of the extent of alcohol abuse and the inter-relationship between this abuse, criminal activity and victimization, a certain unhealthy level of toleration of violence may be developed within the system. It was not uncommon for people to talk about "lifestyle" or "community norms" in relation to the perception of the seriousness of violent activities.

There have been many reports written in Yukon and elsewhere on the need to curb alcohol abuse, and the Yukon does have programs such as the Crossroads Treatment Centre, Alcohol and Drug Services, and community native alcohol counsellors. Yet, another recommendation would be ludicrous, and with this issue, one can only point out some of the dynamics and possible effects on the justice system, as well as the continued need for the support of alcohol treatment services.

(4) CHILDREN AS VICTIMS OF CRIME:

Reported child abuse in Yukon does not constitute the most frequent number of cases for most child welfare workers. Neglect would tend to be a much greater problem. One band worker stated that:

"There can be no doubt that alcohol abuse contributes, in almost all cases, to child neglect and abuse."

In this survey, minors who were victims of crime were not surveyed, although in six cases in the sample, the offences were against children. Two were sexual assaults, two theft, and two assaults causing bodily harm. In all instances, only the parents were interviewed.

As has been noted in the section on unreported crime, child abuse (both sexual and physical) and neglect was cited with some frequency.

Children who are victims are, of course, particularly vulnerable, as they often have neither the understanding nor the opportunity to report offences. Fattah, for example, states that:

"It is a well-known fact that the dark figure for child victimization is very high. Because child abuse typically takes place within the home and is perpetrated by those who are responsible for the care and welfare of the child, a large number of cases escape detection." 1

He goes on to add that, only recently has child abuse by parents been recognized as a crime by society at large. Fattah also maintains that there are reasons to believe that the figure for sexual victimization is higher than that for physical abuse. 2

<sup>1</sup> E. Fattah, "The Child as Victim: Victimological Aspects of Child Abuse", page 600.

<sup>2</sup> Ibid, page 601.

At the same time, the author notes that repetitive abuse of the same child has been reported by a number of researchers. In a study done by Brandom in 1976, it was found that "three out of every five children returning home after treatment for an injury were subsequently reinjured".<sup>1</sup> Further, in a study of one hundred juvenile offenders, it was found that 82 could recall "significant child abuse in their lives".<sup>2</sup>

Our society has shown ambivalent attitudes towards both the victimization of, and protection for, children. In the first instance, corporal punishment of children is generally accepted by many groups as a form of 'natural' punishment and, in fact, is enshrined in the Criminal Code, which states that both school, parents or guardians may use reasonable force to discipline. This same type of "reasonable" force used on adults would undoubtedly result in an assault charge being laid. In this instance, it is somewhat interesting to note that in Sweden, in 1979, a new section was added to the Code, which states that "corporal punishment or any other form of ill treatment for children is forbidden". Corporal punishment is defined as any case which meets the definition of petty assault.<sup>3</sup>

In terms of protection for children, our ambivalence is illustrated in the lack of enforcement of the section contained in all Child Welfare Legislation in Canada, which makes it an offence not to report suspected child abuse. In Yukon, this is a punishable offence. Similar to instances of wife abuse, with children it is most often the victim who is removed from the home, not the offender.

<sup>1</sup> Ibid, page 617.

<sup>2</sup> Ibid, page 619.

<sup>3</sup> M. Korpilanti, "Child Abuse and Courts - Finnish and Swedish Experiences", pages 3 - 6.

The Child Development Centre, which offers a treatment program for children under six years of age, estimates that about 50% of the children with whom they work have been abused physically, sexually or emotionally.

For those cases which are reported to authorities, there is very little in the way of counselling assistance for children and, as with most child welfare authorities, the primary counselling emphasis is with parents.

Children who go to the Transition Home with their parents may have been witness to, or the object of, considerable family violence. But, there are not enough funds to establish what the staff regard as a much-needed child care program.

It is, of course, the suspected extent of unreported crime that occurs in this area that is, perhaps, the most cause for concern.

Child victims can only rely on the adults with whom they come into contact to protect them. This would appear to be an adult responsibility that is not being carried out to the extent which it might be.

RECOMMENDATIONS:

Other jurisdictions have attempted to open up some access to the system for children and for others who might report abuse; it is therefore recommended that:

XVI "The feasibility of a toll free 'hot line' for children and adults be explored by the Department of Health and Human Resources."

Because of the degree of lack of enforcement and general knowledge on the part of the community that makes reporting mandatory, it is recommended that:

XVII "The Department of Health and Human Resources undertake a public education campaign in the area of child abuse, neglect."

Because of the recognized need for child care oriented to the identification and prevention of trauma is recognized as a need in the Transition Home; it is recommended that:

XVIII "Funds be made available for the employment of a trained child care worker in the Yukon Women's Transition Home, by the Department of Health and Human Resources, as part of their prevention responsibility."

Because of the inter-relationships between various forms of violence in our society, it is recommended that:

XIX "The Ministry of Education review the practice of allowing corporal punishment to be used in schools in Yukon."

It has been recognized by all jurisdictions that preventative measures are extremely important in the area of child welfare; it is therefore recommended that:

XX "The Department of Health and Human Resources undertake a serious commitment to prevention, by developing a reasonable budgetary item for home-maker services, day care for high-risk children, and other family support measures."

FUNDING IMPLICATIONS:Recommendation XIX:

is a recommended policy change regarding corporal punishment in the schools, and therefore not a "new cost" item.

Recommendation XVI:

a toll free 'hot line' would involve a telephone cost, but consideration could be given to incorporating this with the Crisis Line for a nominal increase in actual cost but, of course, costs for publicity and volunteer training.

Recommendation XVII:

this could involve a pamphlet, media publicity. The cost would be staff time in preparing a pamphlet and actual production cost could be done by Government facilities.

Recommendation XVIII:

a child care worker for the Home could be employed on an hourly basis. Experience in the past has shown that this would be about a 20-hour per week job.

Recommendation XX:

this recommendation, to enhance preventative services, would include the infusion of some additional funds in the short term. However, at least some re-alignment of current expenditures could address this issue. (It is recognized that, owing to recent budgetary restraints, optimum service is not possible. However, perhaps a greater focus on this area would, in the longer term, reduce expenditures.)

(5) JUVENILES:

Juveniles, as defined in Yukon, are those children from 8 - 15 years of age. As noted in the previous section, they may have been victims of crime themselves. However, they are included in this section first, because of the general overall concern expressed by those interviewed about crime committed by juveniles and, secondly, to outline the position of the victim of a juvenile crime.

Survey Data:

Of victims surveyed, who either knew who the offender was or suspected who it was, 28.4% stated that it was a juvenile. Therefore, in this sample, juvenile crime represented less than one third of the offences. Perceptions of juvenile crime varied from community to community.

In Haines Junction, those interviewed expressed concern about a relatively small group in their early teens, who appeared to be responsible for the majority of the offences. In Ross River, there did not appear to be a major concern on the part of any of those interviewed and it was stated that they had not had a juvenile court for three years. In Watson Lake, many people expressed concern about the amount of juvenile crime, primarily petty theft. However, the police and school principal felt that the extent was over-exaggerated, as actual incidents did not indicate that it was as serious as perceived. In Whitehorse, officials generally feel that it is increasing.

The figures would seem to verify an increase. For example, in 1981-82, there were 108 juveniles on probation; from April 1982 to January 1983, there were 153, with under twenty cases of this total outside of Whitehorse. However, these



figures must be approached with caution, as there appears to have been less emphasis on diversion at the police level. Therefore, there may, in fact, not be a dramatic increase, but a different method of statistical documentation.

Of those juveniles on probation, there is no statistical data to indicate how many orders include restitution or community work. Juvenile probation officers state that it is a substantial number and that, generally, the order is successfully completed. Juvenile probation officers do not routinely interview victims in the preparation of a pre-disposition report. However, if during the police investigation, victims have indicated a willingness to be involved, this information is given to probation officers.

While it varies from community to community, there is a mediation role played by the police in many instances, whereby police officers attempt to approach the family to resolve the dispute with the victim. In Whitehorse, the Juvenile Diversion Committee, which accepts referrals from the court, will, as noted previously, fulfill much of this role.

The Young Offenders' Act, which may replace the Juvenile Delinquents' Act some-time later this year, will raise the juvenile age to 18 years, and does contain a provision for the inclusion of a victim impact statement to be presented to the court. This Act will bring a number of changes to current policies and practices, and it is not possible at this time to say how this will affect juvenile/victim interaction.

RECOMMENDATIONS:

One of the most frequent responses of victims of juvenile crime was their frustration with not knowing what had happened as a result of their complaint. It is therefore recommended that:

XXI: "Juvenile probation officers, or some other member of the justice system, incorporate the practice of informing victims as to the outcome of the investigation and disposition."

The second most frequent response was the perception that parents should assume responsibility for the damages or loss caused by the juvenile. While this has obvious practical limitations, it is recommended that:

XXII: "The responsibility of parents be thoroughly explored in the process of disposition and the decision, in regard to the degree of responsibility which it is judged they can assume and be conveyed to the victim."

FUNDING IMPLICATIONS:

Both Recommendations XXI and XXII do not involve new costs.

(6) THE ELDERLY AS VICTIMS OF CRIME:

In a recent article in "Canada's Mental Health", it was stated that surveys in the United States and Canada show that:

"fear of aggression constituted one of the most serious problems of every day life for the elderly... but it becomes more surprising when one learns that the 65-and-over age group is, in fact, the least frequently victimized by crime in the U.S.A. and Canada." 1

Jaywardene et al, who completed a comprehensive survey of the elderly as victims, in 1982, found similar results and made two additional points. One, that, while victimization is not as prevalent for the elderly, it is often more traumatic because of physical vulnerability and economic means. And, secondly, that the highest rates of victimization for the elderly were in low income areas, where incidence of crime generally was relatively high. 2 Two other points, significant for program planning, were noted: one, that the elderly who were relatively poor, were found to find a sense of security by living in senior citizens' housing complexes 3 and, secondly, that the elderly sought "non crime related services from the police about twice as often as would be expected". 4

The literature then would indicate that, while the elderly have a greater fear of crime, they are actually less victimized than other age groups. However, the impact of crime on the elderly victim is often considerably higher, both from an emotional and economic point of view, than on younger age groups.

1 Lecours and Ray, "Violence and the Marginalization of the Elderly in Today's Society", page 25.

2 Jaywardene et al, "The Elderly as a Victim of Crime", page 48.

3 Ibid, page 18.

4 Ibid, page 22.

Survey Data:

This random sample of victims showed a very low proportion of the elderly, with .8% in the 60 - 69 age group, and .8% in the 70 and older category; too insignificant a number to draw any conclusions.

It would appear from interviews with community and resource people that victimization of the elderly is low and, only in certain areas is it a concern.

The elderly in Yukon, for example age 65 and over, represent 5.6% of the total population. For the most part, there does not appear to be a general fear of victimization. In the non-native communities, senior citizen housing is well-built and, in Whitehorse, apartment blocks are secure. Perhaps another factor is that many non-native senior citizens choose to move south after retirement and, those who do remain tend to be a hardy and independent group.

The greatest concern about the security of the elderly was in the small, primarily native communities. While one could not say, based on the statistics, that crime against the elderly is reaching serious proportions, a number of community people expressed serious concern, and noted that much of this crime is unreported. Several communities have, or are presently constructing, four- and six-plex units for elders, primarily in order to provide them with home care assistance, but also to enhance security.

The elders in a native community command a respect, which to a large degree has been lost in much of the non-native society. It is, thus, a very devastating blow to the community at large when violence against the elderly occurs, perhaps not only because of concern for that individual, but the fact that the act symbolizes the loss of an important traditional value.

RECOMMENDATIONS:

Because of the concern expressed by native people, it is recommended that:

XXIII "Indian organizations and the RCMP in those communities which have particular concerns, meet with other relevant resource people to explore ways of increased protection for the elderly."

Much of the violence directed to the elderly is for the purpose of stealing money. None of the small communities have banks, although, in some cases, the bank may come to the community once a week. This means that old-age security cheques, etc., are cashed and, at certain times, the elderly may have a substantial amount of cash on hand. Some stores and other businesses will keep the cash on account, but this, too, sometimes raises other problems. It is therefore recommended that:

XXIV "Communities explore the possibility of some form of banking system through post offices, band stores, etc., which would be easily accessible by elders."

FUNDING IMPLICATIONS:

Recommendations XXIII and XXIV do not entail major new costs, and could be undertaken with existing resources.

PART XCURRENT SERVICES FOR VICTIMS IN YUKON

There are currently a number of services or forms of compensation for victims which exist in Yukon. These include:

- 1) compensation for property lost through private insurance
- 2) financial compensation for victims of personal injury as a result of a crime, their families or "good samaritans" through the Compensation for the Victims of Crime Act ( Yukon 1975)
- 3) Restitution/compensation ordered by the courts to be paid by the offender to the victim.
- 4) Small claims court.
- 5) Civil Court
- 6) Community Services.

(i) Compensation Through Insurance

In this survey, over 3/4 of those who had suffered damage or loss were not covered by insurance. Some people stated that they were covered but did not wish to claim or their claim was not accepted. It is not surprising then that only .8% stated that they reported the offence to the police in order to place a claim for insurance.

Some reasons for not being able to claim were basically that very few motorists in Yukon carry glass insurance on their vehicle, which accounts for much of the wilful damage done to vehicles; cash and liquor are not generally covered and with small business the kind of comprehensive insurance needed to cover much of the loss is prohibitive.



It would appear from this sample that only in theft such as that of a motor vehicle, boat or bicycle is insurance a major factor. Other losses are then borne by the victim.

(ii) Compensation for the Victims of Crime Act (Yukon, 1975)

The Act came into force in 1975; in 1976 a delegation from the Justice Department (Yukon), travelled to communities throughout the Territory to inform local citizens about the provisions of the Act. Since that time, there has been relatively little publicity although a pamphlet was developed and distributed in the fall of 1982.

The Act provides for:

- compensation for medical and dental benefits
- lost earnings
- pain and suffering
- specified personal property loss eg. clothing, eye glasses

Eligibility:

- anyone who is a victim of a crime specified in the schedule
- dependents - including the spouse, parent or child of anyone who, as a victim of crime, is injured or killed.
- persons injured while attempting to lawfully arrest someone
- persons injured while assisting a police officer to arrest someone
- persons injured while preventing the commission of an offence or suspected offence.
- claims cannot be for less than \$100
- the victim must not be culpable in relation to the crime or have been engaged in an unlawful activity at the time the crime was committed.

Process:

- Victim or dependent completes an application form which is forwarded to the Worker's Compensation Board
- A time and place is then set for the hearing and all parties are notified 10 days before the hearing date.
- Hearings are generally held in Whitehorse.

In 1981, the responsibility for the Act was transferred from the Legal Aid office to the Worker's Compensation Board. Prior to this time, applications were processed through the Supreme Court, and are now heard by the Worker's Compensation Board. There were 9 applications made in 1982 with 5 accepted.

Survey Data

Of the victims interviewed who would possibly be eligible for compensation under this Act, 77.8% were not aware of the Act and 22.2% were. Of those who were aware of it, they stated: in 1 case that they had been told by the police and in the rest by friends. Only 1 person applied for compensation. The rest did not because they did not think that they would qualify, did not know how or did not wish to. In the case of the person who had applied it is under review.

All of the professional and community people interviewed were asked if they were aware of the Act and had referred anyone. The only people interviewed who were aware of it were; the RCMP, native court workers, Crown Attorneys and Judges. In some communities the RCMP have application forms. None of the health, social service workers or Bands were aware of the Act.

Justice officials were asked whose responsibility they felt that it was to inform potential applicants. Opinion was somewhat divided.

The police, for example, do not have a specific policy on this. Some felt that it was an inappropriate role for police, others that it was appropriate only in selected cases.

Judges felt that it was not their role but that native court workers or social workers could do this.

Of the 5 Crown Attorneys interviewed:

2 stated that they occasionally referred victims

3 that they did not (or perhaps had not)

In summary, only a small minority of victims or resource people outside the justice system are aware of this Act. In addition, those who are familiar with it, do not necessarily advise victims of this.

### Background

As the issue of victim's rights receives more public attention, there is an increasing focus on the area of compensation to victims and their families and some criticism has been directed by these groups to provincial programs.

For example, in December 1982 in Ontario, the family of a murdered woman was denied compensation for the emotional trauma which they had suffered. As a result, the 1800 member Victims of Violence association called for

the dismissal of the chairman of the board and resignation of the Attorney General.<sup>1</sup>

Irwin Waller noted in a recent letter to the editor, that the police recorded more than 150,000 violent crimes in 1981, in Canada but that only 3000 victims had received compensation.<sup>2</sup>

In December 1982, a board member of the Alberta Status of Women Action Committee called the Criminal Injuries Compensation Act, "a joke", citing that in 1980-81, only 3 rape victims received compensation, while 94 people received money for other forms of assault.<sup>3</sup>

Against this backdrop of an increasing awareness of the demand for government compensation for certain victims of crime, some authors point out several problems with compensation schemes. Hastings<sup>4</sup> for example, notes several of these problems.

- 1) the cost - if schemes are publicized it may lead to increased taxation.
- 2) the bureaucracy may increase to a degree which is independent of the real needs of the victims.
- 3) increased funds spent on compensation may reduce funds spent on prevention.

1. "Crime Victims" "Can Dollars Ease the Pain", Toronto Star, Dec. 4 1982
2. "Victim's Rights", Globe and Mail, February 11, 1983
3. Globe and Mail, December 28, 1982
4. R. Hastings, "A Theoretical Assessment of Criminal Injuries Compensation in Canada", Page 27

However, proponents of compensation schemes stress the point that if the state is going to assume the role of the injured party, it then also has a responsibility to compensate victims, whom they have failed to protect.

### Funding

In Yukon, the federal government cost-shares this program for 75% of the compensation awarded, subject to maximum amounts for individual awards.

Administration costs vary widely from 29.4% in Ontario, 20.5% in British Columbia, 8% in Quebec to 13-14% in Yukon. It was found by Hastings that schemes under Compensation Boards generally had lower administration costs.<sup>1</sup>

### Considerations

- Awareness: it would appear that, in Yukon, this Act is not well known by resource people or the general public.
- Publicity: although a pamphlet has been produced the researcher did not visit any office or institution where pamphlets were displayed.

1. Ibid page 56

- Referral of Victim: it would logically follow that with only a very limited number of people being aware of the Act, that only a few would be in a position to refer victims.
- Government Policy: a consideration for any government will be the ability to meet increased demands if the Act were to be more broadly known.
- Funding Options: Federal cost sharing agreements vary considerably with Yukon having one of the more favourable arrangements.  
  
There have been suggestions both in the U.S. and Canada for alternate funding schemes, which would augment compensation funds, these include:
  - special fines or levies on all offenders, including traffic offences, of \$5 - \$10.
  - that funds generated by an offender as a result of a crime e.g. sale of a book, go to compensation programs. In the U.S. this is referred to as the "Son of Sam" clause.
  - diversion of a proportion of fine or bail money to a fund.
  - money raised by the sale of unclaimed stolen goods be diverted to a fund.

The merits of these various schemes are debatable, particularly in relation to the surcharge proposal given the already high percentage of unpaid fines.

RECOMMENDATIONS

It is recommended that:

XXV "the Yukon Government assess the adequacy of the current role in the delivery of the Compensation for Victims of Crime Act, in order to determine whether this might be more adequately publicized and what the extent of increased costs to the government might be should a greater number of applications be made".

(iii) Restitution/Compensation Through the Criminal Courts

In the Criminal Code, compensation is defined as a cash payment by the offender to the victim and restitution refers to the return of property to the owner. In this survey, the term "restitution" was generally used to cover both instances.

Restitution/compensation is one of the few areas in the criminal justice system where the victim gets explicit recognition. Hastings, however, points out several problems associated with restitution:

- restitution is justified on the basis of its contribution to the rehabilitation of the offender and thus is assessed and evaluated on this basis, rather than solely on the needs of the victim
- the victim has little real probability of collecting
- courts have been reluctant to impose a sentence of restitution because of the distinction between civil and criminal proceedings.
- restitution only responds to the financial needs of the victim.<sup>1</sup>

Relationship to Survey Data

Victim survey data was discussed to some extent in the previous sections, Part VIII, the Courts, Sentencing, and will not be repeated in detail here. Results, however, support some of Hasting's observations.

A small percentage of victims interviewed were aware that restitution had been ordered. One respondent noted however, that he had not known and was surprised when hearing "through the grapevine" that it had been ordered. He also stated that 18 months later, he has received about 2/3



of the amount.

Two of the victims interviewed stated that they had been asked, in one case by the RCMP and in another by the probation officer for an estimate of damage for presentation to the court.

The police state that it is their policy to request copies of repair/replacement bills from victims and to include an estimate of damage or loss in court briefs.

Of the Crown Attorneys interviewed:

3 stated that they seldom discussed restitution with the victim prior to recommendation to the Court.

1 stated that he/she always did.

1 that he/she often did.

4 responded that they usually discussed the accused's ability to pay with defence counsel.

1 stated the view that if restitution was appropriate that it should be requested and that defense counsel or the court could then raise any relevant concerns.

2 noted that information about loss would be contained in the police investigation and/or pre-sentence report.

Juvenile probation officers state that estimates of loss are very rarely included in Pre-Disposition Reports and adult probation officers that estimates are occasionally, but not routinely, included.

Several victim respondents noted that they felt that amounts of restitution ordered were far beyond the ability of the accused to pay, others (who had been consulted for estimates) did not understand why restitution ordered was lower than the amount estimated, and several others stated that they could not understand why no restitution was ordered when they felt the offender, or in the case of juveniles, their parents did have the means to pay. In general, victim respondents were realistic and showed a considerable lack of vindictiveness.

Considerations:

It would appear from this limited sample that, in general, the public supports the concept of restitution as appropriate redress for crimes committed. However, there remains some degree of inconsistency within the justice system in this area and raises several issues which include:

- the method by which the amount of restitution is assessed for recommendation to the court.
- the lack of feedback to the victim about the order, the basis for the order and subsequent compliance.
- amounts of co-ordination among the police, crown attorneys and probation departments on this issue.<sup>1</sup>

Very few of the victims surveyed were aware that the majority of orders were made in conjunction with probation and it is somewhat unclear as to how effective the system is, particularly outside Whitehorse. Similarly, administrative procedures for offender payment and victim reimbursement, particularly outside Whitehorse appear cumbersome as it must all go through Whitehorse which can mean substantial delays and open the possibility of administrative error.

One of the resource people noted that under the criminal code that restitution orders under indictable offences can be registered in the Supreme Court and then become enforceable as would any civil order e.g. through garnishee, seizure of property. It would appear that it is not a routine practice in Yukon.

<sup>1</sup>. In a recent Ontario case, the judge stated that "the section of the Criminal Code dealing with compensation is a "sleeping giant" with which most crown attorneys are unaware", Globe and Mail, January 28, 1983

RECOMMENDATIONS:

Inappropriate or unenforced restitution orders, seriously undermine the community's trust in the system. At present, each actor in the system, appears to share only partially in the process.

Owing to the lack of consultation expressed by victims about the amount of restitution recommended it is recommended that:

XXVI "The police, crown attorneys and probation officers develop a policy for routine consultation with the victim in regard to the actual financial loss or damage."

In cases where the amount ordered is less than the estimate, it is recommended that:

XXVII "The Crown Attorney, police or some other member of the justice system be responsible for explaining this to the victim."

Because of the current crisis of faith created by an apparent lack of enforcement of orders, it is recommended that:

XXVIII "The Government of Yukon explore the possibility of the victim being paid restitution directly by the court and the system then assuming responsibility for collection from the offender."

FUNDING IMPLICATIONS:

Recommendations XXVI, XXVII, and XXVIII entail reviews of policy, not "new costs".

(iv) Small Claims Court

Small claims court can be used by victims of crime such as fraud, and non payment. It was not a major part of this study to review this particular area, however, several respondents did note some concerns. Owing to the relatively high degree of mobility in the Territory, a small claims action to be effective must be heard within as brief a time as possible.

It was suggested, that outside of Whitehorse small claims could be heard more effectively in Justice of the Peace Courts, as is the case now only in Watson Lake.

Currently there is a 4 - 6 months wait for a small claim hearing.

RECOMMENDATIONS:

In order to reduce waiting periods for small claims hearings;  
it is recommended that:

XXIX "Consideration be given to the extension of small claims hearings to the jurisdiction of Justice of the Peace Courts both in Whitehorse and communities."

Funding Implications

Recommendation XXIX would involve additional Justice of the Peace training, but could lower court costs, if held in Justice of the Peace courts.

(v) Civil Court

This also was not a major part of the study, but as it is one area of victim redress, it will be addressed briefly.

None of the respondents in the victim's survey had undertaken civil action in connection with the specific crime in question. Two noted that they had considered it but assumed that it would be too expensive. The majority were not aware of what a civil action entailed or indeed of this option.

Crown Attorneys were asked if they discussed this option with victims;

4 state that they seldom did

1 that she/he often did

Defence lawyers interviewed stated that it was very rare to have cases, other than business, in which the victim undertook a civil action.

The police state that it would not be a common practice to suggest civil action although they might advise the victim to consult with a lawyer.

Legal aid is generally only available in civil actions related to matrimonial or selected child welfare matters. They state that applications may be made for a civil action but that only in exceptional circumstances would a victim, as defined in this study, receive legal aid for this purpose.

In summary, although the separation of civil and criminal law is cited by those who feel that provision is made in the justice system for the victims through civil law, it is in many cases an unrealistic and uneconomic option.



(VI) Community Services

A detailed list of both specialized and general community services which may assist victims of crime are listed in Appendix I.

As has been noted in the section on victim's needs, less than 10% of those surveyed expressed needs which would fall within the mandate of existing special agencies. 90.7% stated that they had not received any counselling as a result of the crime.

94.5% stated that they had not become aware of any victim's services and in terms of rating how the community dealt with victim's needs:

.8%	said good
4.7%	average
23.6%	poor
70.9%	D.K.

It is difficult to say whether, if victims had had a greater awareness of services, there would have been a greater degree of use.

The service rated by professionals as the most useful to victims was the Transition Home. In terms of such things as repairs to homes, these are done by Yukon Housing and by Bands in Band housing, otherwise it is done privately.

Both the police and crown attorneys report that they seldom make referrals to community agencies.

The knowledge of people within the justice system about community services and vice versa seems to be limited, therefore, this possible avenue of making victims aware of services is apparently not generally used.

RECOMMENDATIONS:

All interviewees were asked for recommendations for changes to existing services or needed services.

As there does not appear to be a formal system for informing victims about services, it is recommended that:

XXX "a pamphlet outlining basic services be prepared; that police distribute these to victims during the investigation and that they be made available for the public."

As there does not appear to be a great deal of training for police on community services that:

XXXI "Consideration be given to in service training for police officers on services available."

Because of the lack of trained counsellors in smaller communities and in view of the expense involved in establishing a network of services it is recommended that:

XXXII "The Medical Services Branch pursue the employment of community mental health nurses in the large centres outside Whitehorse."

In view of the fact that the overwhelming lack expressed was in the area of access to information about the law, rights, courts, etc., it is recommended that:

XXXIII "The Government of Yukon establish a toll-free legal information service, "The Victim's Information Service", which will provide information and crisis support for victims of crime, and that this be publicized widely."

(This Service could be expanded to include the follow-up information services regarding the disposition of court cases as well.)

In consideration of the fact that it is not possible to employ a fully-trained, para-professional in each community, it is recommended that:

XXXIV "Volunteers be sought and trained in the communities to provide a contact between the justice system and the victim in co-ordination with the "Victim's Information Service"."

In order to increase the input of the victim as part of the court process, it is recommended that:

XXXV "The variety of models currently used for victims impact statements be reviewed by representatives of the court, RCMP, probation and defence bar, with a view to implementing this practice in Yukon."

Funding Implications

Recommendations: XXX, XXXII, XXXV involve only minimal costs which would likely be absorbed within existing budgets.

Recommendation: XXIX - a pamphlet outlining existing services would be minimal cost as it should be brief and could be done by someone already employed by the social service or health sector.

Recommendation: XXX - in service training for police would entail some staff costs for time off work, however, training could be done by local agency personnel.

Recommendation: XXXI - additional community mental health nurses entail staff costs. Where existing public health services are being augmented, consideration might be given to employing nurses with training in mental health; in larger centres, eq. Watson Lake, a full time mental health worker appears to be a minimal requirement.

Recommendations: XXXIII, XXXIV a Victim's Information Service, entails the employment of a para professional legal staff as well as office costs. Victim's Assistance programs elsewhere have been sponsored by the Ministry of Solicitor General and Department of Justice, Ottawa and these sources of funding might be explored.

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## SURVEY OF VICTIMS OF CRIME

YUKON

1983

Interview Identification Number

Date \_\_\_\_\_ Time of Interview \_\_\_\_\_ a.m.  
p.m.1 2

Card No.

_____ 1.	_____ 4.	_____ 7.
_____ 2.	_____ 5.	_____ 8.
_____ 3.	_____ 6.	_____ 9.

4

Form of Interview

_____ 1. Telephone
_____ 2. In person

5

Place of Interview

_____ 1. Whitehorse	_____ 4. Ross River
_____ 2. Haines Jct.	_____ 5. Other (Specify)
_____ 3. Watson Lake	_____

6

Translator Identification Number (if any)

7 8

Nature of Offence

_____ 1. homicide/attempted homicide	_____ 6. motorvehicle theft
_____ 2. sexual offence	_____ 7. theft over \$200
_____ 3. assault	_____ 8. wilful damage to private property
_____ 4. robbery	_____ 9. theft under \$200
_____ 5. Break and enter	

9

Present Status of Offence

_____ 1. cleared by charge	_____ 3. not cleared
_____ 2. cleared otherwise	_____ 4. n.a.

10

Interviewer's Report: (Report any unusual circumstances, such as translation difficulties, any distractions or interruptions.)

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## 1-1 PRIMARY NEEDS SURVEY

First, I would like you to think about the incident itself.

1. Where did it take place?

_____ 1. Whitehorse	_____ 4. Ross River
_____ 2. Haines Jct.	_____ 5. Other (specify
_____ 3. Watson Lake	_____)

11

2. Do you recall what day of the week the crime took place on?

- 1. Monday
- 2. Tuesday
- 3. Wednesday
- 4. Thursday
- 5. Friday
- 6. Saturday
- 7. Sunday
- 9. DK

12

3. Approximately what time of the day or night did the crime occur

\_\_\_\_\_ a.m./p.m. (RECORD TIME CITED AND CHECK BELOW)

- 1. Between 9am & noon
- 2. Between noon & 5pm
- 3. Between 5pm & midnight
- 4. Between midnight & 9am
- 9. DK

13

4. Briefly, could you describe the events of the crime?  
(Record in Respondent's own words)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

14 15

FOR THE QUESTIONS 5-7 ASK ONLY IF THE ANSWERS ARE UNCLEAR FROM THE RESPONDENT'S DESCRIPTION; OTHERWISE, JUST CONFIRM THE APPROPRIATE ANSWERS.

5. a. Was there a direct confrontation with the offender?

- 1. No (GO TO Q.6)
- 2. Yes (PROCEED WITH REMAINING QUESTIONS THIS SET)
- 9. OK (GO TO Q.6)

16

b. How many offenders were there?

- 1. One
- 2. Two
- 3. Three
- 4. Four or more
- 9. DK

17

c. Was the offender(s) armed?

- 1. Yes, gun/rifle
- 2. Yes, knife
- 3. Yes, other (Specify \_\_\_\_\_)
- 4. NO
- 9. DK

18

6. a. Did you suffer physical injury as a result of this incident?

- 1. No (GO TO Q.7)
- 2. Yes (PROCEED WITH REMAINING QUESTIONS)
- 9. DK (GO TO Q.7)

19

6. b. Did you require medical aid or attention?  
 \_\_\_1. Yes \_\_\_2. No \_\_\_0. n.a. \_\_\_  
20
- c. Who did you first receive medical aid from?  
 \_\_\_1. Police \_\_\_4. Ambulance Attendant  
 \_\_\_2. Doctor at scene \_\_\_5. Other (Specify \_\_\_\_\_) \_\_\_  
21  
 \_\_\_3. Hospital/Nursing Station \_\_\_9. OK  
 \_\_\_0. n.a.
- d. Were you satisfied with the first medical aid you received?  
 \_\_\_1. Yes \_\_\_2. No \_\_\_0. n.a. \_\_\_  
22
- If NO, in what way were you not satisfied? \_\_\_\_\_ \_\_\_  
23
- e. Were you hospitalized or treated at the hospital?  
 \_\_\_1. Yes, emergency room treatment and released  
 \_\_\_2. Yes, admitted to hospital (for how long \_\_\_\_\_)  
 \_\_\_3. No. \_\_\_  
24  
 \_\_\_0. n.a.
- f. Were any drugs or medicines prescribed for you?  
 \_\_\_1. Yes \_\_\_2. No \_\_\_0. n.a. \_\_\_  
25
- g. Have you had to take any medical treatment since the incident for your injuries?  
 \_\_\_1. Yes \_\_\_2. No \_\_\_0. n.a. \_\_\_  
26
- h. Did you miss any work because of your injuries?  
 \_\_\_1. Yes \_\_\_2. No (GO TO Q.7) \_\_\_0. DK/n.a. (GO TO Q.7) \_\_\_  
27
- IF YES: Did you lose any wages as a result?  
 \_\_\_1. Yes (How much \$ \_\_\_\_\_) \_\_\_2. No \_\_\_  
28  
 \_\_\_9. DK \_\_\_0. n.a.
7. a. Were any of your possessions or property taken in this incident?  
 \_\_\_1. No (GO TO Q.8) \_\_\_9. DK (GO TO Q.8) \_\_\_  
29  
 \_\_\_2. Yes (PROCEED WITH REMAINING QUESTIONS)
- b. What were the main items taken?  
 (Check no more than 3)
- |  |                              |           |
|--|------------------------------|-----------|
| ___ 1. cash/travellers cheques                       | ___ 6. credit cards          |           |
| ___ 2. TV/radio/stereo/tape player/cassettes/records | ___ 7. furniture             | ___<br>30 |
| ___ 3. jewellery/furs                                | ___ 8. personal mementoes    | ___<br>31 |
| ___ 4. liquor  | ___ 9. other (specify _____) | ___<br>32 |
| ___ 5. motor vehicle                                 | ___ 0. DK/n.a.               |           |



7. c. Was there (has there been) an insurance evaluation?

1. No, R. was not covered by insurance

2. No, but R. has insurance coverage

Yes (ESTIMATE OF LOSS ACCEPTED BY INSURANCE COMPANY  
\$ \_\_\_\_\_) (GO TO Q.8)

3. Less than \$200  6. \$1000 to \$2000

9. DK  4. \$200 to \$500  7. \$2000 to \$5000

0. n.a.  5. \$500 to \$1000  8. Over \$5000

33

34

d. What do you personally estimate to be the value of your loss including cash?

\$ \_\_\_\_\_

1. Less than \$200  5. \$2000 to \$5000

2. \$200 to \$500  6. Over \$5000

3. \$500 to \$1000  9. DK

4. \$1000 to \$2000  0. n.a.

35

8. a. Was there any damage done to your dwelling (business) or its contents during the incident?

1. Yes  9. DK (GO TO Q.9)

2. No (GO TO Q.9)

36

b. What would you estimate as the cost of this damage?

\$ \_\_\_\_\_

1. Less than \$200  5. \$2000 to \$5000

2. \$200 to \$499  6. Over \$5000

3. \$500 to \$999  9. DK

4. \$1000 to \$1999  0. n.a.

37

c. Were any of your possessions (property) scattered about or disarranged during the incident?

1. Yes, extensively, scattered everywhere

2. Yes, some disarrangement, few things scattered about

3. No

9. DK

0. n.a.

38

9. Other than personal injury, loss or damage to your property, did you suffer any other inconvenience as a result of this incident?

1. Yes  2. No  9. DK

IF YES PROBE FOR DETAILS: \_\_\_\_\_

39

10. a. Immediately after the crime was committed, who did you contact first?

1. Police (GO TO Q.11)       6. Hospital/ambulance/nursing station  
 2. Family member/relative       7. Social agency (Specify: \_\_\_\_\_)  
 3. Friend/neighbor      \_\_\_\_\_  
 4. Lawyer/insurance agent       8. Other (Specify \_\_\_\_\_)  
 5. Pastor/Priest      \_\_\_\_\_)  
 9. OK (GO TO Q.11)

41

- b. IF PERSON(S) CONTACTED WAS NOT POLICE: What sort of help or assistance did you get from the person(s) you contacted first? (PROBE FOR SPECIFIC EXAMPLES)

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

42

43

- c. Were you satisfied with the help or assistance you received?

1. Yes       2. No       9. DK

IF NO: In what way, or for what reason were you not satisfied?

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

44

45

11. Who first reported the incident to the police?

1. Self       4. Other (Specify: \_\_\_\_\_)  
 2. Other family member      \_\_\_\_\_)  
 3. Friend/neighbor       9. DK

46

12. How was the incident reported to the Police?

1. By telephone       2. In person

47

13. When was the incident reported to the Police?

1. Immediately       5. 2 days to a week  
 2. Within first hour       6. Over a week later  
 3. Within several hours       9. O.K.  
 4. Next day

48

14. Was there any special reason you had in mind when you reported the incident (had it reported) to the Police? (Check main reason only).

1. It was the right thing to do/it was my duty.  
 2. It was necessary to claim insurance.  
 3. I wanted to prevent the offender from doing this again.  
 4. I needed help or protection at the time.  
 5. I wanted to get my property/possessions back.  
 6. There was no-one else to call.  
 7. I don't know why.  
 9. O.K.  
 D. N.A.

49

15. Were you, or was whoever notified the Police, at all reluctant or hesitant to call them?

- 1. No (GO TO Q. 16)
- 2. Yes
- 3. OK (GO TO Q. 16)

50

IF YES: Was there any particular reason you were hesitant to contact the Police? (Check main reason only).

- 1. Did not want to take the time. (It might mean time spent in Court or off work.)
- 2. I did not want harm or punishment to come to the offender.
- 3. I was afraid of reprisal either against myself or another person.
- 4. I thought it was a private, not criminal, matter.
- 5. I didn't think the Police could do anything about it.
- 6. I was upset/in too much pain.
- 7. I was afraid people would find out what happened.
- 8. I am afraid of the Police.
- 9. Other (specify: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_)

51

16. If you/someone else phoned the Police, how long did it take them to arrive?

- 1. 5 min. or less
- 2. 6-15 min.
- 3. 16-30 min.
- 4. 31-60 min.
- 5. More than one hour
- 6. Did not come that day
- 7. Did not come at all
- 9. D.K.

52

17. Did the police question or doubt whether a crime had occurred?

- 1. Yes (Give details: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_)
- 2. No
- 9. OK

53

18. Did you know the police officer?

- 1. Yes (Go to Q. 19)
- 2. No

54

IF NO: Did the police officer who talked to you immediately after the incident at the scene of the crime/at the police station leave his/her card with you?

- 1. Yes
- 2. No (GO TO Q. 19)

55

IF YES: Did the officer write the incident number on the card?

- 1. Yes
- 2. No
- 9. OK

56

19. Do you feel that the police officer who talked to you at the scene of the incident (after the incident) was understanding and sympathetic with your concerns and problems as the victim?

- 1. Yes
- 2. No
- 9. OK
- D. n.a.

57

Could you explain to me why you feel this way? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

58

59

20. In general, are you satisfied with the help you received from the police?

- 1. Yes
- 2. No
- 9. DK

60

IF NO: Please explain why you feel this way. \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

61

21. a. People tell us a lot of different things about how they feel when they are victims of a crime. Thinking about how you felt at the time of the crime or when you first discovered that you had been a victim of a crime, how did you feel?

(PROBE FEELINGS: ANGER, FEAR, PAIN, CONFUSED, SURPRISE, NERVOUS, SICK/NAUSEOUS, ANNOYANCE, ETC.)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(NOTE: INDICATE NO MORE THAN TWO MOST PREDOMINANT FEELINGS, INDICATING FIRST (1) AND SECOND (2) STATEMENTS.

- |  |  |
|--|--|
| <input type="checkbox"/> 1. Not upset/not bothered | <input type="checkbox"/> 6. Pain                   |
| <input type="checkbox"/> 2. Anger/outrage          | <input type="checkbox"/> 7. Upset/nervous          |
| <input type="checkbox"/> 3. Fear                   | <input type="checkbox"/> 8. Intimidated            |
| <input type="checkbox"/> 4. Surprise/confusion     | <input type="checkbox"/> 9. Other (Specify: _____) |
| <input type="checkbox"/> 5. Sick/nauseous          |  |
|  | <input type="checkbox"/> 0. DK                     |

62

63

21. b. In the first few hours after the crime, did you receive any help from anyone in dealing with these feelings?

- 1. Yes
- 2. No (GO TO 21(d))
- 9. DK (GO TO 21(d))

64

IF YES: Who provided the help?

- |   |  |
|---|--|
| <input type="checkbox"/> 1. Family/relative     | <input type="checkbox"/> 6. Stranger               |
| <input type="checkbox"/> 2. Friend/acquaintance | <input type="checkbox"/> 7. Social service agency  |
| <input type="checkbox"/> 3. Police              | (Specify: _____)                                   |
| <input type="checkbox"/> 4. Doctor/Hospital     | <input type="checkbox"/> 8. Other (Specify: _____) |
| <input type="checkbox"/> 5. Minister/Priest     | <input type="checkbox"/> 9. DK                     |
|   | <input type="checkbox"/> 0. n.a.                   |

65

21. c. Were you satisfied with the help you received?

- 1. Yes
- 2. No
- 9. DK
- 0. n.a.

66

IF NO: Please explain why you feel this way. \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(GO TO Q. 23)

21 d. (IF YOU DID NOT RECEIVE HELP) Would you have preferred someone help you to deal with your feelings?

- 1. Yes
- 2. No
- 9. OK
- 0. n.a.

67

22 a. Did you want someone to talk to after the police had left?

- 1. Yes
- 2. No (GO TO Q. 23)
- 9. DK (GO TO Q. 23)

68

22 b. Were you able to find someone to talk to, and if so, who was that person?

- 1. Yes, family/relative
- 2. Yes, friend/acquaintance
- 3. Yes, police
- 4. Yes, doctor/hospital/ambulance
- 5. Yes, Minister/Priest
- 6. Yes, stranger
- 7. Yes, social service agency (Specify: \_\_\_\_\_)
- 8. Yes, other (Specify: \_\_\_\_\_)
- 9. No (GO TO Q. 23)
- 0. DK/n.a. (GO TO Q. 23)

69

22 c. Were you satisfied with the person you found to talk to?

- 1. Yes
- 2. No
- 9. DK
- 0. n.e.

70

IF NO: Why not? \_\_\_\_\_

23 a. Did you want someone to stay with you (or did you want to stay with someone) to provide security or protection after the crime?

- 1. Yes
- 2. No (GO TO Q. 24)
- 9. DK (GO TO Q. 24)

71

23 b. Were you able to find someone to stay with you and, if so, who was that person?

- 1. Yes, family/relative
- 2. Yes, friend/acquaintance
- 3. Yes, police
- 4. Yes, doctor/hospital/ambulance
- 5. Yes, Minister/Priest
- 6. Yes, stranger
- 7. Yes, social service agency (Specify: \_\_\_\_\_)
- 8. Yes, other (Specify: \_\_\_\_\_)
- 9. No (GO TO Q. 24)
- 0. DK/n.a. (GO TO Q. 24)

72

23 c. Were you satisfied with the person you found?

- 1. Yes
- 2. No
- 9. DK
- 0. n.a.

73

IF NO: Why not? \_\_\_\_\_

26. a. As a result of the crime, did you require emergency transportation?

     1. Yes         2. No (GO TO Q. 27)         9. DK (GO TO Q. 27)

74

26 b. Did you receive emergency transportation, and if so, who provided it?

     1. Yes, family/relative         8. Yes, other (Specify: \_\_\_\_\_)  
     2. Yes, friend/acquaintance  
     3. Yes, police         9. No (GO TO Q. 27)  
     4. Yes, doctor/hospital/ambulance  
     5. Yes, Minister/Priest         0. DK/n.a. (GO TO Q. 27)  
     6. Yes, stranger  
     7. Yes, social service agency (Specify: \_\_\_\_\_)

75

26c. Were you satisfied with the help you received in obtaining transportation?

     1. Yes         2. No         9. DK         0. n.a.

76

IF NO: Please explain why not? \_\_\_\_\_  
\_\_\_\_\_

27 a. As a result of the crime, did you require help in making emergency repairs to secure your home or motor vehicle?

     1. Yes         2. No (GO TO Q. 28)         9. DK (GO TO Q. 28)

77

27. b. Did you receive help, and if so, who provided the assistance?

     1. Yes, family/relative         8. Yes, other (Specify: \_\_\_\_\_)  
     2. Yes, friend/acquaintance  
     3. Yes, police         9. No (GO TO Q. 28)  
     4. Yes, doctor/hospital/ambulance  
     5. Yes, Minister/Priest         0. DK/n.a. (GO TO Q. 28)  
     6. Yes, stranger  
     7. Yes, social service agency (Specify: \_\_\_\_\_)

I.D. # \_\_\_\_\_

Card 2/4

27. c. Were you satisfied with the help you received with the emergency repairs?

     1. Yes         2. No         9. DK         0. n.a.

78

IF NO: Why do you say this? \_\_\_\_\_  
\_\_\_\_\_

28. As a result of the crime, did you require any help in cleaning up your home (or the scene of the incident)?

     1. Yes         2. No (GO TO Q. 29)         9. DK (GO TO Q. 29)

79

28.b. Did you receive help, and if so, who provided the assistance?

     1. Yes, family/relative         8. Yes, other (Specify: \_\_\_\_\_)  
     2. Yes, friend/acquaintance  
     3. Yes, police         9. No (GO TO Q. 29)

(Additional response items over)

- 4. Yes, doctor/hospital/ambulance/nursing station
- 5. Yes, Minister/Priest  0. DK/n.a. (GO TO Q. 29)
- 6. Yes, stranger

8

28c. Were you satisfied with the help you received?

- 1. Yes  2. No  9. DK  0. n.a.

9

IF NO: Why do you feel this way? \_\_\_\_\_  
\_\_\_\_\_

29 a. As a result of the crime, did you require any emergency financial aid or assistance?

- 1. Yes  2. No (GO TO Q. 30)  9. DK (GO TO Q. 30)

10

29 b. Did you receive help and, if so, who provided the assistance?

- 1. Yes, family/relative  8. Yes, other (Specify: \_\_\_\_\_)
- 2. Yes, friend/acquaintance \_\_\_\_\_
- 3. Yes, police  9. No (GO TO Q. 30)
- 4. Yes, doctor/hospital/ambulance
- 5. Yes, Minister/Priest  0. DK/n.a. (GO TO Q. 30)
- 6. Yes, stranger
- 7. Yes, social service agency (Specify: \_\_\_\_\_)

11

29 c. Were you satisfied with the emergency financial aid you received?

- 1. Yes  2. No  9. DK  0. n.a.

12

IF NO: Why do you feel this way? \_\_\_\_\_  
\_\_\_\_\_

30 a. Did you require help or advice in contacting insurance companies, credit card companies, etc.?

- 1. Yes  2. No (GO TO Q. 31)  9. DK (GO TO Q. 31)

13

30 b. Did you receive help, and if so, who helped you in contacting these companies?

- 1. Yes, family/relative  8. Yes, other (Specify: \_\_\_\_\_)
- 2. Yes, friend/acquaintance \_\_\_\_\_
- 3. Yes, police  9. No (GO TO Q. 31)
- 4. Yes, doctor/hospital/ambulance/nursing station
- 5. Yes, Minister/Priest  0. DK/n.a. (GO TO Q. 31)
- 6. Yes, stranger
- 7. Yes, social service agency (Specify: \_\_\_\_\_)

14

30 c. Were you satisfied with the help you received?

- 1. Yes  2. No  9. DK  0. n.a.

15

IF NO: Why not? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

31 a. Did you require someone to advise you on how or where to go to get help for any of the needs or problems that arose as a result of the crime?

- 1. Yes  2. No (GO TO Q. 32)  9. DK (GO TO Q. 32)

16

1-11

31 b Were you able to find someone to advise you, and if so, who was it?

- 1. Yes, family/relative
- 2. Yes, friend/acquaintance
- 3. Yes, police
- 4. Yes, doctor/hospital/ambulance
- 5. Yes, Minister/Priest
- 6. Yes, stranger
- 7. Yes, social service agency (Specify: \_\_\_\_\_)
- 8. Yes, Other (Specify: \_\_\_\_\_)
- 9. No (GO TO Q. 32)
- 0. DK/n.a. (GO TO Q. 32)

17

31 c. Were you satisfied with the advice you got from that person?

- 1. Yes
- 2. No
- 9. DK
- 0. n.a.

18

IF NO: Why not? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

32 a. Was there any other kind of help that you required or could have used during the period immediately following the crime?

- 1. Yes (Specify: \_\_\_\_\_)
- 2. No (GO TO Q. 33)
- 9. DK (GO TO Q. 33)

19

32 b. Were you able to find someone to help on this problem, and if so, who was it?

- 1. Yes, family/relative
- 2. Yes, friend/acquaintance
- 3. Yes, police
- 4. Yes, doctor/hospital/ambulance
- 5. Yes, Minister/Priest
- 6. Yes, stranger
- 7. Yes, social service agency (Specify: \_\_\_\_\_)
- 8. Yes, other (Specify: \_\_\_\_\_)
- 9. No (GO TO Q. 33)
- 0. DK/n.a. (GO TO Q. 33)

20

32 c. Were you satisfied with the help you received?

- 1. Yes
- 2. No
- 9. DK
- 0. n.a.

21

IF NO: Why do you say this? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



33. IF THE RESPONDENT RECEIVED ANY INJURY AS A RESULT OF THE CRIME

(IF NOT, GO TO Q. 39)

Do you know about the program to claim compensation for injuries under the Criminal Injuries Compensation Ordinance?

1. Yes         2. No (Go to Q. 39)         22  
   9. DK (Go to Q. 39)         0. n.a.

34.a Do you remember how you were informed of the program to claim compensation for injuries?

1. by police  
   2. by Crown Prosecutor  
   3. by a pamphlet describing the program (IF YES, GO TO Q. 34b)         23  
   4. other (specify: \_\_\_\_\_)  
   9. D.K.  
   0. n.a.

34.b IF YOU WERE INFORMED OF THE PROGRAM BY A PAMPHLET DESCRIBING IT, where did you see it?

1. at RCMP station  
   2. at Court House  
   3. at Hamlet/settlement office  
   4. at legal aid office  
   6. other (specify: \_\_\_\_\_)         24  
   9. D.K.  
   0. n.a.

35. Did you apply for compensation (Are you planning on applying for compensation?)

1. Yes (GO TO Q.36)         2. No (GO TO Q.37)  
   9. DK         0. n.a.         25

36. Did you receive compensation?

1. Yes         2. No         9. DK         0. n.a.

IF YES: Were you satisfied with the amount of compensation you received?

1. Yes         2. No         9. DK         0. n.a.         26  
   27

37. IF YOU DID NOT APPLY: May I ask why you didn't apply for compensation?

1. Didn't think I would qualify  
   2. Didn't want to take the time  
   3. Never heard of Compensation Ordinance  
   4. Other (Specify: \_\_\_\_\_)         28  
   9. Really don't know why  
   0. n.a.

Have you ever seen/heard of other information describing the Criminal Injuries Compensation Ordinance and program?

1. Yes  
 2. No  
 3. D.K.

---

 29

IF YES: Where?

1. at RCMP station  
 2. at Court House  
 3. at Hamlet/settlement office  
 4. at Legal Aid office  
 5. other (Specify: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

---

 30

9. D.K.

9. a Apart from your first reactions to the incident, have you suffered from any of the following as a result of the crime in the time since the crime was committed: first, a fear of being alone?

1. Yes  2. No  9. DK

---

 31

IF YES: Have you sought any help for this? Where?

1. Yes, but unable to find help  
 2. Yes, family/relative  
 3. Yes, police, crown  
 4. Yes, doctor/hospital  
 5. Yes, Minister/Priest  
 6. Yes, friend/acquaintance  
 7. Yes, social service agency (Specify: \_\_\_\_\_  
 \_\_\_\_\_  
 8. Yes, other (Specify: \_\_\_\_\_)  
 9. No  0. D.K./n.a.

---

 32

IF YES: (2-8) Are you satisfied with the help you received?

1. Yes  2. No  9. DK  0. n.a.

---

 33

IF NO: Why not? \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

39 b. Have you suffered a fear of entering your residence or rooms within your residence?

\_\_\_ 1. Yes \_\_\_ 2. No \_\_\_ 9. DK

34

IF YES: Have you sought any help for this? From whom?

- \_\_\_ 1. Yes, but unable to find help
- \_\_\_ 2. Yes, family/relative
- \_\_\_ 3. Yes, police/crown
- \_\_\_ 4. Yes, doctor/hospital
- \_\_\_ 5. Yes, Minister/Priest
- \_\_\_ 6. Yes, friend/acquaintance
- \_\_\_ 7. Yes, social service agency (Specify: \_\_\_\_\_)
- \_\_\_ 8. Yes, other (Specify: \_\_\_\_\_)
- \_\_\_ 9. No \_\_\_ 0. DK/n.a.

35

IF YES:(2-8) Are you satisfied with the help you received?

\_\_\_ 1. Yes \_\_\_ 2. No \_\_\_ 9. DK \_\_\_ 0. n.a.

36

IF NO: Why not? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

39.c. Have you suffered a fear of walking alone outside or at night?

\_\_\_ 1. Yes \_\_\_ 2. No \_\_\_ 9. DK

37

IF YES: Have you sought any help for this? From whom?

- \_\_\_ 1. Yes, but unable to find help
- \_\_\_ 2. Yes, family/relative
- \_\_\_ 3. Yes, police/crown
- \_\_\_ 4. Yes, doctor/hospital
- \_\_\_ 5. Yes, Minister/Priest
- \_\_\_ 6. Yes, friend/acquaintance
- \_\_\_ 7. Yes, social service agency (Specify: \_\_\_\_\_)
- \_\_\_ 8. Yes, other (Specify: \_\_\_\_\_)
- \_\_\_ 9. No \_\_\_ 0. DK/n.a.

38

IF YES:(2-8) Are you satisfied with the help you received?

\_\_\_ 1. Yes \_\_\_ 2. No \_\_\_ 9. DK \_\_\_ 0. n.a.

39

IF NO: Why not? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

39d. Have you suffered from sleeplessness?

\_\_\_ 1. Yes \_\_\_ 2. No \_\_\_ 9. DK

40

IF YES: Have you sought any help for this? From whom?

- \_\_\_ 1. Yes, but unable to find help
- \_\_\_ 2. Yes, family/relative
- \_\_\_ 3. Yes, police/crown

(Additional Response Items Over)

- 4. Yes, doctor/hospital
- 5. Yes, Minister/Priest
- 6. Yes, friend/acquaintance
- 7. Yes, social service agency (Specify: \_\_\_\_\_)
- 8. Yes, other (Specify: \_\_\_\_\_)
- 9. No  0. DK/n.a.

41

IF YES:(2-8) Are you satisfied with the help you received?

- 1. Yes  2. No  9. DK  0. n.a.

42

IF NO: Why not? \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

39.e. Have you suffered from headaches?

- 1. Yes  2. No  9. DK

43

IF YES: Have you sought any help for this? From whom?

- 1. Yes, but unable to find help
- 2. Yes, family/relative
- 3. Yes, police/crown
- 4. Yes, doctor/hospital
- 5. Yes, Minister/Priest
- 6. Yes, friend/acquaintance
- 7. Yes, social service agency (Specify: \_\_\_\_\_)
- 8. Yes, other (Specify: \_\_\_\_\_)
- 9. No  0. DK/n.a.

44

IF YES: (2-8) Are you satisfied with the help you received?

- 1. Yes  2. No  9. DK  0. n.a.

45

IF NO: Why not? \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

39.f. Have you experienced a general increase in suspicion or distrust of others?

- 1. Yes  2. No  9. DK

46

IF YES: Have you sought any help for this? From whom?

- 1. Yes, but unable to find help
- 2. Yes, family/relative
- 3. Yes, police/crown
- 4. Yes, doctor/hospital
- 5. Minister/Priest
- 6. Yes, friend/acquaintance
- 7. Yes, social service agency (Specify: \_\_\_\_\_)
- 8. Yes, other (Specify: \_\_\_\_\_)
- 9. No  0. DK/n.a.

47

IF YES: (2-8) Are you satisfied with the help you received?

- 1. Yes
- 2. No
- 9. DK
- 0. n.a.

48

IF NO: Why not? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

39. g . Have you experienced any other ongoing problems as a result of this incident?

- 1. Yes (Specify: \_\_\_\_\_)
- 2. No
- 9. DK

49

IF YES: Have you sought any help for this problem? From whom?

- 1. Yes, but unable to find help
- 2. Yes, family/relative
- 3. Yes, police/crown
- 4. Yes, doctor/hospital
- 5. Yes, Minister/Priest
- 6. Yes, friend/acquaintance
- 7. Yes, social service agency (Specify: \_\_\_\_\_)
- 8. Yes, other (Specify: \_\_\_\_\_)
- 9. No
- 0. DK/n.a.

50

IF YES: (2-8) Are you satisfied with the help you received?

- 1. Yes
- 2. No
- 9. DK
- 0. n.a.

51

IF NO: Why not? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

40 . Do you know or have any ideas, hunches or suspicions as to the identity of the offender(s)? Could you identify him/her?

- 1. Yes, the offender was caught
- 2. Yes, I saw the offender
- 3. Yes, idea, hunch, suspicion only
- 4. No (GO TO Q. 43)
- 9. DK (GO TO Q. 43)

52

41 . IF YES TO Q. 40: Was the offender:

- 1. a friend
- 2. an acquaintance or someone you know
- 3. a friend of a friend
- 4. a neighbour
- 5. a relative
- 6. a husband battering wife
- 7. an employee/hired person
- 8. a stranger
- 9. other (Specify: \_\_\_\_\_)
- 0. n.a.

53

42. IF YES, to Q. 40: to the best of your knowledge, was the offender a juvenile?

- 1. Yes
- 2. No
- 9. DK
- 0. n.a.

54

1-16

43. To the best of your knowledge, have you ever been the victim of another crime committed by the same offender?

- 1. Yes, once
- 2. Yes, 2-3 times
- 3. Yes, 4-5 times
- 4. Yes, 6-10 times
- 5. Yes, more than 10 times
- 6. No (GO TO Q. 44)
- 9. DK (GO TO Q. 44)

55

IF YES: On the other occasion(s), was the crime similar to this incident, or different?

- 1. Similar
- 2. Different
- 3. some similar, some different
- 9. DK
- 0. n.a.

56

IF DIFFERENT: (Give details: \_\_\_\_\_)

\_\_\_\_\_  
\_\_\_\_\_ )

44. To the best of your knowledge, have you ever been the victim of another crime (or crimes) committed by a different offender (or offenders)?

- 1. Yes, once
- 2. Yes, 2-3 times
- 3. Yes, 4-5 times
- 4. Yes, 6-10 times
- 5. Yes more than 10 times
- 6. No (GO TO Q. 45)
- 9. DK (GO TO Q. 45)

57

IF YES: On the other occasion(s), was the crime similar to this incident or different?

- 1. Similar
- 2. Different
- 3. Some similar, some different
- 9. DK
- 0. n.a.

58

IF DIFFERENT: (Give details: \_\_\_\_\_)

\_\_\_\_\_  
\_\_\_\_\_ )

45. What do you think is the best sentence a court could hand out to the offender in this kind of crime?

- 1. Fine (How much? \$\_\_\_\_\_)
- 2. Discharge
- 3. Suspended sentence
- 4. Probation
- 5. Prison, 30 days or less
- 6. Prison, 1-6 months
- 7. Prison, 6 months-2 years
- 8. Prison, 2 years or more
- 9. Other (Specify: \_\_\_\_\_)
- 0. DK/n.a.

59

46. If the offender were willing, and if the court was prepared to arrange it, would you accept restitution (that is, have the offender make good the loss you have suffered or have him provide some equivalent value or service to you) instead of having him sentenced in the way you just mentioned.

1. No, the other sentence is better  
 2. No, but he should make restitution in addition to the other sentence.  
 3. Yes  
 4. Other (Specify: \_\_\_\_\_)  
 9. DK

60

47. If the offender could be sentenced to a number of weeks or days (that is, some suitable period of time) of unpaid work for the community instead of being sentenced in the way you just mentioned would you accept such a sentence?

1. No, the other sentence is better  
 2. No, he should provide community service in addition to the other sentence.  
 3. Yes  
 4. Other (Specify: \_\_\_\_\_)  
 9. DK

61

Now I want to ask you some questions about your experiences in the weeks and months after the incident we've been discussing.

48. During that period of time, did you want information on how the police investigation was progressing?

1. Yes       2. No       9. DK

62

49. Did you receive information on how the police investigation was progressing during that period of time?

1. Yes       2. No (GO TO Q. 53)       9. DK (GO TO Q. 53)

63

50. How did you mainly receive this information?

1. contacted by police  
 2. I contacted police  
 3. contacted by Crown Prosecutor  
 4. I contacted Crown Prosecutor  
 5. I received subpoena  
 6. other (specify: \_\_\_\_\_)

64

51. Were you satisfied with the kind of information you got?  
 \_\_\_ 1. Yes \_\_\_ 2. No \_\_\_ 9. DK \_\_\_ 0. n.a.

65

IF NO: Why not? \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

52. Were you satisfied with the amount of information you got?  
 \_\_\_ 1. Yes \_\_\_ 2. No \_\_\_ 9. DK \_\_\_ 0. n.a.

66

IF NO: Why not? \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

53. In general, are you satisfied that the police did all that they could to locate and arrest the offender?  
 \_\_\_ 1. Yes \_\_\_ 2. No \_\_\_ 9. DK

67

IF NO: Why not? \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

54. a. IF PROPERTY WAS STOLEN: Was your stolen property recovered?  
 \_\_\_ 1. Yes \_\_\_ 2. No \_\_\_ 9. DK \_\_\_ 0. n.a.

68

IF: 'NO', 'DK', OR 'n.a.', GO TO Q.55

54b. IF YES (Q.54.a.): Who notified you that your property had been recovered?

\_\_\_ 1. The police \_\_\_ 9. DK  
 \_\_\_ 2. The crown \_\_\_ 0. n.a.  
 \_\_\_ 3. Other (Specify: \_\_\_\_\_)

69

54c. IF YES (Q.54.a.): Has your property been returned to you?  
 \_\_\_ 1. Yes \_\_\_ 2. No \_\_\_ 9. DK \_\_\_ 0. n.a.

70

54d. IF YES (Q.54.a.): Did you experience any difficulty or delay in having your property returned to you?  
 \_\_\_ 1. Yes \_\_\_ 2. No \_\_\_ 9. DK \_\_\_ 0. n.a.

71

IF YES: What was the nature of the delay or difficulty?  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

55. Has someone been charged with the crime?  
 \_\_\_ 1. Yes \_\_\_ 2. No \_\_\_ 9. DK

72

IF YES: How were you informed that someone had been charged?  
 \_\_\_ 1. The police contacted me \_\_\_ 6. I read about it in the newspaper  
 \_\_\_ 2. I contacted the police \_\_\_ 7. Other (Specify: \_\_\_\_\_)  
 \_\_\_ 3. The crown contacted me  
 \_\_\_ 4. I contacted the crown \_\_\_ 9. DK  
 \_\_\_ 5. I received a subpoena \_\_\_ 0. n.a.

73



58. IF NO TO Q. 54: Do you know/suspect why not?

- 1. no suspect ever found
- 2. suspect located but insufficient evidence
- 3. suspect a juvenile and not charged
- 4. other (specify: \_\_\_\_\_)
- 9. DK
- 0. n.a.

74

59. As a result of your experiences following the incident we've been discussing, have you become aware of any special service or assistance to victims of crime?

- 1. Yes
- 2. No
- 9. DK
- 0. n.a.

75

IF YES: by whom?

- 1. by Yukon Government (social or welfare services) (Specify: \_\_\_\_\_)
- 2. By a private agency (Specify: \_\_\_\_\_)
- 3. other (specify: \_\_\_\_\_)

76

60. Have you received any counselling at all from anyone because of the incident we've been discussing?-

- 1. yes
- 2. No
- 9. DK
- 0. n.a.

IF YES: specify with whom: \_\_\_\_\_

77

61. Sometimes the victims of crimes believe that something they did or didn't do contributed to their becoming a victim. Looking back on your experience, do you feel that you did anything which might have helped bring on the incident?

- 1. Yes
- 2. No
- 9. DK

IF YES: What do you think that it was that you did? \_\_\_\_\_

I.D. #  
Card 3/

5

62. Do you think that you could have done more to prevent the incident?

- 1. Yes
- 2. No
- 9. DK

IF YES: What might you have done? \_\_\_\_\_

6

63. Since the incident, have you done anything to protect yourself or your property from crime? (Check 2 main responses).

- 1. Changed any of your activity patterns (e.g. go out less, don't go out alone or after dark, etc.)
- 2. More regularly check to ensure doors and/or windows are locked.
- 3. Installed new, stronger locks or put bars on windows.
- 4. Marked your property or possessions for identification.
- 5. Purchased a weapon for protection.
- 6. Put car in a safer place.
- 7. Put possessions, other than car, in safer place.
- 8. I have not done anything different.
- 9. Other (Specify: \_\_\_\_\_)
- 0. O.K./n.a.

7      8

64. Following the incident we've been discussing, did you seek or did you receive any information on ways to protect yourself and/or your property from crime?

- 1. Yes       2. No       9. D.K.

9

IF YES: from whom did you seek or receive the information?

- 1. the Police       9. D.K.
- 2. newspaper/radio/TV       0. n.a.
- 3. relations/friends
- 4. other (specify: \_\_\_\_\_)

10

65. Overall, do you think that the police have done a good job, an average job, or a poor job in handling this incident?

- 1. Good       3. Poor
- 2. Average       9. DK

11

IF POOR: Please explain why you say this. \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

12      13

66. On the whole, do you think that the police are doing a good job, an average job, or a poor job in dealing with crime in this community?

- 1. Good       3. Poor
- 2. Average       9. DK

14

67. Generally speaking, do you think that the community as a whole does a good job, an average job, or a poor job in looking after the special needs and problems of victims of crime?

- 1. Good       3. Poor
- 2. Average       9. DK

15

Finally, I would like to get some brief background information so that we can better interpret the results of this survey and so that we can design better services for crime victims.

68.  1. Male  2. Female 16
69. First, how old are you at the present time? 17
1. Under 16  6. 50-59
2. 17-21  7. 60-69
3. 22-29  8. 70 and older
4. 30-39  9. DK/not stated
5. 40-49
70. How would you describe your Ethnic Background? 18
1. Non Indian
2. Indian
71. How long have you lived in Yukon? 19
1. Less than 1 year  4. 6-10 years
2. 1-2 years  5. more than 10 years
3. 3-5 years  6. life
7. DK/ not stated
72. Are you married or single? 20
1. Single  4. Divorced/separted
2. Married  5. Widowed/widower
3. Common Law  6. DK/not stated
73. What was the last year of education that you completed before leaving school? 21
1. None  6. Some post-secondary, non-U
2. Some elementary  7. Complete post-sec, non-U
3. Complete elementary  8. Some university
4. Some secondary  9. University degree
5. Complete secondary  10. DK/not stated
74. In approximate terms, what was your total family income last year (consider all sources)? 22
1. Under \$5,000  6. \$30,000-\$39,999
2. \$5,000-\$9,999  7. \$40,000-\$49,999
3. \$10,000-\$14,999  8. \$50,000-\$59,999
4. \$15,000-19,999  9. \$60,000 and over
5. \$20,000-\$29,999  10. DK/not stated

In the incident we have been discussing, charges were laid against the accused and you received a subpoena to testify as a prosecution witness.

The next questions will now deal with your experiences as a witness.

75.a. When you made the original complaint of the crime (when the original complaint of the crime was made) and before you made any statement to the Police, did you know that you might be required to testify in court?

1. Yes (ASK Q. 75b)  
 2. No (ASK Q. 75c)  
 3. DK (ASK Q. 75c)

23

75.b. (IF YES ABOVE) How did you know that you might be called to testify?

1. I knew/just assumed it since I had made a complaint  
 2. The Policeman who took the complaint/came to the scene told me  
 3. Other (SPECIFY:) \_\_\_\_\_  
 9. DK  
 0. n.a.

24

75.c. (IF NO/DK ABOVE) When did you realize that you might be called to testify?

1. The Police Officer told me during/immediately after taking my statement  
 2. The Police told me later, during the investigation  
 3. Not until the subpoena arrived  
 4. Not until I was telephoned/contacted by the police and asked to testify.  
 5. Other (SPECIFY:) \_\_\_\_\_  
 9. DK  
 0. n.a.

25

76. How much time was it after the crime when you received the subpoena or were telephoned/contacted and asked to testify?

1. Less than 1 month  
 2. About 1 month  
 3. About 2 months  
 4. About 3 months  
 5. About 4 months  
 6. About 5 months  
 7. About 6 months  
 8. More than 6 months  
 9. DK

26

77. How long after you received the subpoena or were telephoned/contacted were you first scheduled to appear in court as a witness?

1. Less than 1 week  
 2. 1 to 2 weeks  
 3. 3 to 4 weeks  
 4. 5 to 6 weeks  
 5. More than 6 weeks  
 6. The next day/same day  
 9. DK

27

78.a. Were you personally served with the subpoena/telephoned/contacted?

- 1. Yes (GO TO Q. 79)
- 2. No (ASK Q. 78b)

28

78.b. (IF NO TO Q. 78a) Who accepted the subpoena on your behalf/was telephoned/was contacted?

- 1. Spouse (husband or wife, married or common law)
- 2. Other member of immediate family
- 3. Other relative
- 4. Roommate; other person sharing residence
- 5. Other (SPECIFY:)
- 9. DK
- 0. n.a.

29

GO TO Q. 80

79.a (IF YES TO Q. 78a) Was the Police Officer who served the subpoena/telephoned you/contacted you/ the same officer that originally responded to your complaint?

- 1. Yes
- 2. No
- 3. Subpoena served /telephoned/contacted by someone other than Police Officer
- 9. D.K.       0. n.a.

30

79.b. What questions did you ask of that individual?

- 1. What is this?       2. Do I have to go?
- 2. Why do I have to go?       4. What if I can't make it?
- 5. Who do I call/how do I find out why I have been subpoenaed/telephoned/contacted
- 6. How much will I be paid?
- 7. Other(s) (SPECIFY:)
- 9. DK
- 0. n.a.

31

79.c. (IF QUESTIONS ASKED) Did this individual answer your question(s) satisfactorily?

- 1. Yes       9. DK
- 2. No       0. n.a.

32

(IF NO:) Could you explain why you say this? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

80.a. When you received the subpoena/were telephoned/contacted did you fully understand that you were required by law to appear as a witness?

1. Yes (ASK Q. 80b)           9. DK (GO TO Q. 81)  
     2. No (ASK Q. 80c)

33

80.b. (IF YES) How did you know this?

1. I had prior knowledge of the nature of a subpoena/being asked to testify  
     2. After giving my initial statement to the Police, I was informed that I would be/might be required to testify.  
     3. Prior to the delivery of the subpoena/being telephoned/contacted, the Crown Prosecutor informed me that I would be called to testify.  
     4. When I read the subpoena, I understood it to say that I was legally obligated to testify.  
     5. Other (SPECIFY: \_\_\_\_\_  
\_\_\_\_\_
9. DK                           0. n.a.

34

80.c. (IF NO) How did you find out that you were obligated by law to appear in court and testify?

1. After I read the subpoena.  
     2. The individual who delivered the subpoena explained it to me after I asked him what it meant.  
     3. The person who delivered the subpoena volunteered the information  
     4. The Crown Prosecutor called me.  
     5. I called the Crown Prosecutor.  
     6. Someone else in the criminal justice system contacted me and told me. (SPECIFY:) \_\_\_\_\_  
\_\_\_\_\_
7. I contacted someone else in the criminal justice system. (SPECIFY:) \_\_\_\_\_  
\_\_\_\_\_
8. Other (SPECIFY:) \_\_\_\_\_  
\_\_\_\_\_
9. DK                           0. n.a.

35

81.a. After the time you received the subpoena/were telephoned/contacted did you ever try to contact anyone in the criminal justice system to ask questions regarding the subpoena?

1. Yes                           9. D.K. (GO TO Q. 82)  
     2. No (GO TO Q. 82)

36

81.b. (IF YES TO Q. 81a) Who did you try to contact first?

- 1. Police
- 2. Crown Prosecutor
- 3. Clerk of the Court
- 4. Other (SPECIFY:)
- 9. DK
- 0. n.a.

37

81.c. (IF YES TO Q. 81a) Was it difficult for you to contact that person/those persons regarding your questions?

- 1. Yes. Please explain:
- 2. No
- 9. DK
- 0. n.a.

38

81.d. (IF YES TO Q. 81a) What question(s) did you want to ask? (CHECK MAIN QUESTION)

- 1. What is a subpoena?
- 2. Do I have to go to court?
- 3. Why do I have to go?
- 4. What if I can't make it?
- 5. How much money will I be paid?
- 6. Why have I been subpoenaed?
- 7. Other (SPECIFY:)
- 9. DK
- 0. n.a.

39

81.e. (IF YES TO Q. 81a) In general, were you satisfied with the answers to your questions?

- 1. Yes
- 2. No. Please explain why you say this:
- 9. DK
- 0. n.a.

40

82.a. How much contact did you have with the Police during the time between receiving the subpoena and the date on which you were to appear to testify?

- 1. One meeting/call
- 2. Two meetings/calls
- 3. Three or more meetings/calls
- 4. No contact at all (GO TO Q. 83)

41

82.b. (IF ANY) Did they contact you or did you contact them?

1. They contacted me  
 2. I contacted them  
 3. Both  
 9. DK  0. n.a.

---

 42

82.c. (IF ANY) What was the nature of your contact with the Police?

1. To review my testimony  
 2. To remind me of the need for me to be in court  
 3. To explain what will happen when I appear in court  
 4. Other (SPECIFY:) \_\_\_\_\_  
 \_\_\_\_\_  
 9. DK  0. n.a.

---

 43

83.a. How much contact did you have with the Crown Prosecutor during the time between receiving the subpoena and the date on which you were to appear to testify?

1. One meeting/call  
 2. Two meetings/calls  
 3. Three or more meetings/calls  
 4. No contact at all (GO TO Q. 84)

---

 44

83.b. (IF ANY) Did they contact you or did you contact them?

1. They contacted me  
 2. I contacted them  
 3. Both  
 4. DK  0. n.a.

---

 45

83.c. (IF ANY) What was the nature of your contact with the Crown Prosecutor?

1. To review my testimony  
 2. To remind me of the need for me to be in court  
 3. To explain what will happen when I appear in court  
 4. Other (SPECIFY:) \_\_\_\_\_  
 \_\_\_\_\_  
 9. DK  0. n.a.

---

 46

84.a. Did you have any contact with any other person connected with the judicial system regarding your testimony, the need for you to be in court and/or to explain what will happen to you when you appear in court?

1. Yes. Who was that person? \_\_\_\_\_  
 2. No. (GO TO Q. 85)  
 9. DK  0. n.a.

---

 47



84.b. How many meetings/calls did you have with this person?

- 1. One meeting/call
- 2. Two meetings/calls
- 3. Three or more meetings/calls
- 9. DK
- 0. n.a.

48

84.c. Did they contact you or did you contact them?

- 1. They contacted me
- 2. I contacted them
- 9. DK
- 0. n.a.

49

84.d. What specifically was/were the contact(s) about?

- 1. To review my testimony
- 2. To remind me of the need for me to be in court
- 3. To explain what will happen when I appear in court
- 9. DK
- 0. n.a.

50

85.a. Some people who are called to be witnesses tell us that they felt confused, uninformed and/or intimidated by the judicial process in which they were expected to participate. Did you experience any of these feelings?

- 1. Yes, a little
- 2. Yes, a lot
- 3. No (GO TO Q. 36)
- 9. DK

51

85.b. (IF YES) What was your main feeling?

- 1. Intimidated by/didn't understand the judicial process itself
- 2. Not given enough information about what would happen
- 3. Lack of personal attention/concern
- 4. Other (Specify: \_\_\_\_\_)
- 9. DK
- 0. n.a.

52

86.a. Did you feel there was any pressure put on you by the community generally to influence the way you would testify or to modify or change the evidence you would give?

- 1. Yes
- 2. No (GO TO Q. 87)
- 9. D.K. (GO TO Q. 87)
- 0. n.a. (GO TO Q. 87)

53

86.b. (IF YES TO Q. 86.a.) What made you feel this way?

Probe for details: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

86.c. (IF YES TO Q. 86a.) Did you or might you have changed your testimony as a result of this?

1. Yes                       9. D.K.  
 2. No                          0. n.a.

54

87.a. Were you afraid for any reason to give evidence?

1. Yes                      9. D.K. (GO TO Q.88)  
 2. No (GO TO Q.88)     0. n.a. (GO TO Q.88)

55

87.b. (IF YES TO Q.87.a.) Of what were you afraid?

1. that the offender would hurt me in some way  
 2. that the offender's friends/relatives would hurt me in some way  
 3. that the opinion of the people in the community would turn against me  
 4. I was afraid/worried about giving evidence in court  
 5. other (specify: \_\_\_\_\_  
 \_\_\_\_\_)  
 6. D.K.  
 0. n.a.

56

87.c. IF YES TO Q. 87.a. Did you or might you have changed your testimony as a result of this?

1. Yes                       9. D.K.  
 2. No                         0. n.a.

57

88.a. Because of the size of the community you live in, were you in frequent contact with the offender/see him or her often?

1. Yes                       9. D.K. (GO TO Q.89)  
 2. No (GO TO Q.89)      0. n.a. (GO TO Q.89)

58

88.b. IF YES TO Q. 88.a. As a result were you afraid/intimidated/worried about giving evidence in court?

1. Yes                       9. D.K.  
 2. No                         0. n.a.

59

88.c. IF YES TO Q. 88.a. Did you or might you have changed your testimony as a result of this?

1. Yes                       9. D.K.  
 2. No                         0. n.a.

60

89.a. Did you have any direct contact with the accused/friends of accused/relatives of accused/other witnesses about the incident?

1. Yes  
 2. No (GO TO Q. 90)  
 9. D.K. (GO TO Q.90)

61

89.i. (IF YES TO Q. 89h) What did the Police/Crown/other say/do after you reported the contact?

- 1. Nothing
- 2. Spoke to accused/other person
- 3. Laid charge against accused
- 4. Laid charge against other person
- 5. Other (specify: \_\_\_\_\_)
- 9. D.K.                       0. n.a.

58

89.j. (IF YES TO Q. 89h) Were you satisfied with what the Police/Crown/other said/did?

- 1. Yes                                       9. DK
- 2. No                                         0. n.a.

IF NO: Why do you say this: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

69

90.a. Some people tell us that after they find out that they are going to be a witness, they felt that they would have liked some kind of protection in the time before they went to court. Did you at any time before you went to court feel that you would like some kind of protection?

- 1. Yes                                       9. DK (GO TO Q. 91)
- 2. No (GO TO Q. 91)

70

90.b. (IF YES) What kind of protection did you want?

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

90.c. (IF YES) Were you able to find this kind of protection and if so, who gave it to you?

- 1. Yes, Police
- 2. Yes, Crown Prosecutor
- 3. Yes, family/relative
- 4. Yes, friend/acquaintance
- 5. Yes, social service agency (SPECIFY: \_\_\_\_\_)

6. Yes, other (SPECIFY: \_\_\_\_\_)

- 7. No (GO TO Q. 90)
- 9. DK (GO TO Q. 90)                       0. n.a.

71

90.d. (IF YES TO Q. 90 c) Were you satisfied with the kind of protection you received?

- 1. Yes                                       9. DK
- 2. No                                         0. n.a.

IF NO: Why do you say this: \_\_\_\_\_

\_\_\_\_\_

72

91.a. When you were preparing to go to court, did you have any problems arranging for transportation to the courthouse or back home again.

- 1. Yes
- 2. No (GO TO Q. 92)
- 9. DK (GO TO Q. 92)

73

91.b. Were you able to get help with your transportation and if so, who provided the help?

- 1. Yes, family/friend
- 2. Yes, Police
- 3. Yes, Crown Prosecutor
- 4. Yes, taxi/bus
- 5. Yes, Social Service Agency (SPECIFY:)
- 6. Yes, Other (SPECIFY:)
- 7. No (GO TO Q. 92)
- 9. DK (GO TO Q. 92)
- 0. n.a.

74

91.c. Were you satisfied with the help you received?

- 1. Yes
- 2. No
- 3. DK
- 0. n.a.

IF NO: Why not? \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

75

94. Did you drive your own vehicle to the courthouse and, if so, were you satisfied with the parking arrangements?

- 1. Yes
- 2. No
- 9. D.K.
- 0. n.a./did not drive

IF NO: Why do you say this? \_\_\_\_\_  
 \_\_\_\_\_

76

95.a. When you were preparing to go to court, did you have any problem arranging for a babysitter or other suitable child care services?

- 1. Yes
- 2. No (GO TO Q. 96)
- 9. DK (GO TO Q. 96)
- 0. n.a. (GO TO Q. 96)

77

95.b. Were you able to get help with your child care problem, and if so, who provided the help?

- 1. Yes, family/friend
- 2. Yes, baby sitter/daycare
- 3. Yes, Police
- 4. Yes, Crown Prosecutor
- 5. Yes, social service agency (SPECIFY:)
- 6. Yes, Other (SPECIFY:)
- 7. Took child/children to court with me
- 8. No (GO TO Q. 96)
- 9. DK (GO TO Q. 96)
- 0. n.a.

78

95.c. Were you satisfied with the way your child care problem was handled?

\_\_\_1. Yes \_\_\_2. No \_\_\_9. DK \_\_\_0. n.a.

IF NO: Why not? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

79

96.a. When you were preparing to go to court, did you have any problem arranging for time off work?

\_\_\_1. Yes \_\_\_9. DK (GO TO Q. 97)  
\_\_\_2. No (GO TO Q. 97) \_\_\_0. n.a./not employed (GO TO Q. 97)

I.D. #  
Card

5

96.b. Were you able to get help from anyone in arranging to get the necessary time off, and if so, who helped you?

\_\_\_1. Yes, job supervisor/fellow employee  
\_\_\_2. Yes, family/friend  
\_\_\_3. Yes, Police  
\_\_\_4. Yes, Crown Prosecutor  
\_\_\_5. Yes, social service agency (SPECIFY:)

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_6. Yes, other (SPECIFY:)

\_\_\_7. No (GO TO Q. 97)

\_\_\_8. DK (GO TO Q. 97)

\_\_\_0. n.a.

6

96.c. Were you satisfied with the help you received in this matter?

\_\_\_1. Yes \_\_\_2. No \_\_\_9. DK \_\_\_0. n.a.

IF NO: Why not? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7

97.a IF EMPLOYED AT THE TIME: Did you lose any wages or salary as a result of having to go to court?

\_\_\_1. Yes (How Much? \$ \_\_\_\_\_)  
\_\_\_2. No \_\_\_9. DK \_\_\_0. n.a.

8

97.b. When you were preparing to go to court, did you encounter any other problem or inconvenience which has not been mentioned yet?

\_\_\_1. Yes (SPECIFY:)  
\_\_\_\_\_  
\_\_\_\_\_

9

\_\_\_2. No (GO TO Q. 96) \_\_\_9. DK (GO TO Q. 98)

97.c. IF YES: Were you able to get any help in dealing with this problem, and if so, who helped you?

- 1. Yes, family/friend
- 2. Yes, Police
- 3. Yes, Crown Prosecutor
- 4. Yes, social service agency (SPECIFY:) \_\_\_\_\_
- 5. Yes, other (SPECIFY:) \_\_\_\_\_
- 6. No (GO TO Q.98)
- 9. DK (GO TO Q.98)       0. n.a.

10

97.d. Were you satisfied with the help you received?

- 1. Yes     2. No     9. DK     0. n.a.

IF NO: Why do you feel this way? \_\_\_\_\_

11

98. a. When you got to the courthouse on the day that you were required to be there, did you have any difficulty in locating the right court?

- 1. Yes       2. No       9. DK

IF YES: What was the nature of your difficulty? \_\_\_\_\_

12

b. Did you receive any assistance in dealing with this difficulty, and if so, who provided the assistance?

- 1. Yes, court officer       6. Yes, other (Specify: \_\_\_\_\_)
- 2. Yes, police
- 3. Yes, Crown Prosecutor       7. No (GO TO Q.99)
- 4. Yes, friend/relative       9. DK (GO TO Q.99)
- 5. Yes, another witness       0. n.a.

13

c. Were you satisfied with the assistance you received?

- 1. Yes       2. No       9. DK       0. n.a.

IF NO: Why do you feel this way? \_\_\_\_\_

14

d. Did you have to travel to another community to appear in court?

- 1. Yes     2. No     9. DK     0. n.a.

15

(IF YES: Where did you travel from? From \_\_\_\_\_ to \_\_\_\_\_)

e. Were your travel accommodations, meal allowances, cared for adequately?

     1. Yes           2. No           9. OK           0. n.a.

      
16

(IF YES, Specify: \_\_\_\_\_)

99 . a. After you arrived at the correct court, and while you were waiting there, did you experience any further difficulty or inconvenience?

     1. Yes           2. No (GO TO Q. 100)           9. DK (GO TO Q. 100)

If yes: What was the nature of this difficulty or inconvenience?

      
17

\_\_\_\_\_

b. Did you receive any assistance in dealing with this difficulty, and if so, who provided the assistance?

     1. Yes, court officer           6. Yes, other (specify: \_\_\_\_\_)

     2. Yes, police

     3. Yes, Crown Prosecutor           7. No (GO TO Q. 100)

     4. Yes, Friend/relative           9. DK (GO TO Q.100)

     5. Yes, another witness           0. n.a.

      
18

c. Were you satisfied with the assistance you received?

     1. Yes           2. No           9. DK           0. n.a.

If no: Why do you feel this way? \_\_\_\_\_

      
19

\_\_\_\_\_

100.a

After you arrived at the correct court, did you have any contact with a member of the judicial system before the trial or hearing began?

     1. Yes (ASK Q.100b-100d)           2. No (Ask 100e)           9. DK  
(GO TO Q.101)

      
20

b. IF YES: Who was this contact with?

     1. Police who took original statement

     2. Police court duty officer

     3. Crown Prosecutor

     4. Clerk of the Court

     5. Other (SPECIFY:) \_\_\_\_\_

     9. DK           0. n.a.

      
21

c. IF YES What was the nature of this contact?

- 1. To explain what was about to happen
- 2. To explain about the procedures for collecting witness fees 22
- 3. To review my testimony
- 4. Dther
- 9. D.K.  0. N.A.

d. IF YES: Were you satisfied with the kind and amount of information you were given at this time?

- 1. Yes  2. NO  9. DK  0.n.a.
- IF NO: Could you explain why you say this? \_\_\_\_\_ 23
- \_\_\_\_\_
- \_\_\_\_\_

e. IF NO TO Q.100a: Would you have preferred an opportunity to talk to a member of the judicial system before the trial or hearing began?

- 1. Yes  9. DK 24
- 2. No, it really didn't matter  0. n.a.

101 a. Were you called upon to give your testimony in court?

- 1. Yes (GO TO Q. 102)  2. No 25

102.a. Do you speak English?

- 1. Yes
- 2. No
- 3. A little/not fluently/not well 26

b. Do you read and write English?

- 1. Yes
- 2. No
- 3. A little/not proficiently 27

c. If you do not speak English, or only speak English a little, which of the following do you speak?

- 1. \_\_\_\_\_  5. \_\_\_\_\_
- 2. \_\_\_\_\_  6. \_\_\_\_\_
- 3. \_\_\_\_\_  7. \_\_\_\_\_
- 4. \_\_\_\_\_ 28

103.a. At any time did you want or need translation services?

- 1. Yes
- 2. No (GO TO Q. 104)
- 3. D.K. (GO TO Q. 104) 29



b. (IF YES TO Q. 103.a) When? (Indicate all applicable)

- 1. When talking to police 30
- 2. When talking to Crown Attorney 31
- 3. When talking to other court personnel outside the court 32
- 4. When giving evidence 33
- 5. All of above
- 9. O.K.  0. n.a.

c. (IF YES TO Q. 103.a.) In what language did you require translation services into English?

- 1. \_\_\_\_\_  5. \_\_\_\_\_
- 2. \_\_\_\_\_  6. \_\_\_\_\_
- 3. \_\_\_\_\_  7. \_\_\_\_\_ 34
- 4. \_\_\_\_\_

d. (IF YES TO Q. 103.a.) Were the translation services available to you?

- 1. Yes, all the time  5. Rarely
- 2. Never  9. O.K.
- 3. Most of the time  0. n.a. 35
- 4. Half of the time

e. (IF YES TO Q. 103.a.) Were you satisfied with the translation services made available to you?

- 1. Yes, all the time  9. O.K.
- 2. No I was not  0. n.a. 36
- 3. Sometimes I was

104.a. At any time, did you receive documents with respect to your appearing in court as a witness, which you did not understand/ understand fully because of language difficulties?

- 1. Yes
- 2. No (GO TO Q. 105)
- 3. O.K. (GO TO Q. 105) 37
- 4. n.a. (GO TO Q. 105)

b. (IF YES TO Q. 104.a.) Did you try to get the document(s) translated?

- 1. Yes
- 2. No (GO TO Q. 105)
- 9. O.K. (GO TO Q. 105) 38
- 0. n.a. (GO TO Q. 105)

c. (IF YES TO Q. 104.b.) If so, did you succeed in having the document(s) translated?

- 1. Yes  9. O.K. (GO TO Q. 105)
- 2. No (GO TO Q. 105)  0. N.A. (GO TO Q. 105) 39

d. (IF YES TO Q. 104.c.) If so, were you satisfied with the translation services?

- 1. Yes  9. O.K.
- 2. No  0. N.A. 40

105. How long were you required to stay at the court?

- 1. 1/2 day
- 2. 1 day
- 3. 1 1/2 days
- 4. 2 days or more
- 9. DK

41

106 .a Was this longer than the period stated in the subpoena/telephone call contact?

- 1. Yes
- 2. No(GO TO Q. 107)
- 9. DK (GO TO Q. 107)

42

b. IF YES: When were you notified that you would be required to stay for a longer period of time?

- 1. Before the trial or hearing began
- 2. During the course of the trial or hearing
- 3. Other (Specify: \_\_\_\_\_)
- 9. DK
- 0. n.a.

43

c. IF YES: Did the fact that you were required to stay for a longer period of time cause you any additional problems or inconvenience?

- 1. Yes
- 2. No (GO TO Q. 107)
- 9. DK (GO TO Q. 107)
- 0. n.a.

44

d. IF YES TO Q.106c What was the nature of the additional inconvenience or problems?

- 1. babysitting/child care
- 2. transportation
- 3. getting time off work
- 4. uncertainty about how long I would be
- 5. missed other appointment/engagement
- 9. DK (GO TO Q. 107)
- 0. n.a.

45

e. Were you able to get any assistance in dealing with these additional problems, and if so, who provided the help?

- 1. Yes, family/friend
- 2. Yes, hired serviced (Babysitter, taxi, etc.)
- 3. Yes, Police
- 4. Yes, Crown Prosecutor
- 5. Yes, other court officer
- 6. Yes, social service agency (SPECIFY: \_\_\_\_\_)
- 7. Yes, other (SPECIFY: \_\_\_\_\_)
- 8. No (GO TO Q. 107)
- 9. DK (GO TO Q. 107)
- 0. n.a.

46

f. Were you satisfied with the assistance you received?

1. Yes  2. No  9. OK  0.n.a.

IF NO: Why not? \_\_\_\_\_

47

107a. Were you required to come to court again for the same trial which was re-scheduled for some later point in time?

1. Yes  2. No  9. OK (GO TO Q. 108)  0.n.a.  
(GO TO Q.108)

48

b. IF YES: Was it explained to you why you had to return at another time?

1. Yes  2. No  9. OK  0. n.a.

49

c. IF YES TO Q.107a: After the first time that you went to court, how many additional times did you have to go back for the same trial?

1. Once  4. 4 times or more  
 2. Twice  9. OK  
 3. 3 times  0. n.a.

50

108. a. After trial was concluded, did you have any contact with the Crown Prosecutor or any other member of the judiciary system regarding the outcome of the case?

1. Yes, Crown Prosecutor  3. No (GO TO Q.109c)  
 2. Yes, Other \_\_\_\_\_  9. OK (GO TO Q.109c)

51

b. Were you satisfied with the amount of information you were given regarding the outcome?

1. Yes  2. No  3. OK  0. n.a.

IF NO: Why do you say this? \_\_\_\_\_

52

c. IF NO TO Q 108a Would you have preferred to have been given information regarding the outcome by the Crown Prosecutor or another member of the judicial system?

1. Yes  2. No  9. OK  0.n.a.

53

109. a. Did you collect your witness fees for your court appearance?

1. Yes  2. No  9. OK (GO TO Q.110)

54

b. Who informed you of the procedure for collecting witness fees?

1. Crown Presecutor  5. Other (Specify: \_\_\_\_\_)  
 2. Clerk of the Court \_\_\_\_\_  
 3. Police  9. D.K.  
 4. Another witness  0. n.a.

55

c. Did you have any difficulty in collecting your witness fees?

   1. Yes       2. No.       9. DK       0. n.a.

IF YES: What kind of difficulty did you experience?

    
56

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

d. Under the circumstances, do you consider the witness fees to be adequate?

   1. Yes                                     2. No (Specify: \_\_\_\_\_)

    
57

   9. DK                                  \_\_\_\_\_

   0. n.a.                                  \_\_\_\_\_

110. Overall, are you satisfied with the way you were treated as a witness?

   1. Yes       2. No       9. DK       0. n.a.

    
58

If NO: Briefly, what are your major reasons for saying this?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

111. Again overall, are you satisfied with the way the case in general was handled by the courts?

   1. Yes       2. No       9. DK       D. N.A.

    
59

IF NO: Why do you feel this way? \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

112 a. Is the case now completed?

   1. Yes       2. No (GO TO Q. 113)       9. DK (GO TO Q. 113)       0. n.a.

b. IF YES: Was there a conviction in the case?

    
60

   1. Yes       2. No (GD TO Q. 113)       9. DK(GO TO Q. 113)       0. n.a.

c. IF YES TO Q 112b: What was your reaction to the sentence imposed by the court?

    
61

   1. To harsh                                     4. Other(specify: \_\_\_\_\_)

    
62

   2. About right                                  \_\_\_\_\_

   3. Too lenient                                     9. DK                                     0. n.a.

What if any, was your relationship to the accused?

1. Family member                       4. Stranger  
 2. Friend                                       5. Other (Specify: \_\_\_\_\_)  
 3. Neighbour                                   6. DK

114. Given your experience with the judicial system as a witness, would you be at all reluctant or apprehensive in the future at being interviewed by the police about witnessing a crime, knowing that such a statement could possibly result in your being called to testify?

1. Very unwilling                               4. Very Willing  
 2. Unwilling                                       5. DK  
 3. Willing

115. Was a translator present for this interview?

1. Yes                       2. No

116. Time taken for interview:

1. under 20 minutes                       4. 90min - 2 hrs.                       7. OVER  
 2. 30-60 minutes                               5. 2-2 1/2 hrs.  
 3. 60-90 minutes                               6. 2 1/2 - 3 hrs.

Questionnaire : Judges / Justices of the Peace

1. In your view, do victims seem to understand their role when they appear in court? Yes: \_\_\_\_\_ No: \_\_\_\_\_

Comments:

2. Do victims, as witnesses, seem to be well prepared by the Crown/ police in Whitehorse ?

Seldom: \_\_\_\_\_ Often: \_\_\_\_\_ Never: \_\_\_\_\_ D/K \_\_\_\_\_

Comments:

3. Do victims, as witnesses, seem to be well prepared by the Crown/ police on circuit ?

Seldom: \_\_\_\_\_ Often: \_\_\_\_\_ Never: \_\_\_\_\_ D/K \_\_\_\_\_ N/A: \_\_\_\_\_

Comments:

4. Do you feel that the present court facilities are adequate for victim witnesses?

In Whitehorse : Yes: \_\_\_\_\_ No: \_\_\_\_\_ Not sure: \_\_\_\_\_

On Circuit : Yes: \_\_\_\_\_ No: \_\_\_\_\_ Not sure: \_\_\_\_\_

Comments:

5. Do victims request any of the following from you in court :

	seldom	often	never
<u>assistance in retrieving stolen property</u>			
<u>protection from the offender</u>			
<u>information about restitution</u>			
<u>Other: please specify:</u>			

6. Please comment on any services not currently available for victims of crime which you feel are needed, both in relation to services provided by the justice system or other community groups.

Questionnaire: Court Clerks

Do you go on circuit?            Yes:                            No:

If yes, what circuits have you been on:

Do victims of crime approach you for the following:

Yes    No    Often    Seldom    Wh.    Cir.

- i) information about their case:
- ii) information about what is expected of them as witnesses :
- iii) information about when the case will be heard :
- iv) requests for transportation:
- v) requests for child care :
- vi) requests about stolen property:
- vii) Other, please specify:

Do victims who are witnesses express concerns to you about:

Yes    No    Often    Seldom    Wh.    Cir.

- i) court facilities
- ii) scheduling of cases
- iii) being confronted by offender
- iv) contact with RCMP
- v) contact with Crown attorneys
- vi) contact with defense lawyers
- vii) Other, please specify



5. Do victims who are witnesses generally seem to understand the process for receiving witness fees? Yes: No:

Comments:

6. Do victims who are witnesses comment on the amount of the fee? Yes: no:

Comments:

7. In your experience , what percentage of victims who are witnesses receive witness fees:

Don't know:  
 100% of the time:  
 80% of the time:  
 60% of the time:  
 50% of the time:  
 Less than this :

8. What are the procedures on circuit for witnesses receiving fees

9. Do you have any comments about this process:

10. Please comment on any services which you feel could be offered to victims of crime which are not currently offered, either through the courts or other community services.
11. Do you see any special needs in this regard in relation to victims of crime in the communities? Yes: No:  
If yes, please comment:
12. Unreported crimes. Could you comment on the area of unreported crimes i.e. if you are aware of people who do not report crimes, do you know the reasons for this?

Questionnaire: Crown Attorneys

I. Do you generally interview victims of crime in the following areas:

	seldom	often	never
attempted murder:			
rape :			
indecent assault:			
wounding :			
bodily harm :			
other assaults :			
robbery/firearms:			
"/other offensive			
weapons :			
other robbery :			
break and enter(bus.):			
break and enter(res.):			
auto theft :			
truck theft :			
theft over- shoplifting:			
other :			
theft under-shoplifting:			
other :			
frauds (cheque ) :			
wilful damage-private :			
wilful damage-public :			
kidnapping :			
extortion :			

2. Do you hand out written material to victims who will be witnesses ?  
 Yes: \_\_\_\_\_ No: \_\_\_\_\_ Sometimes: \_\_\_\_\_

If yes, please specify:

3. Do you refer victims for compensation under the Victims of Crime  
 Compensation Act ? Yes: \_\_\_\_\_ No: \_\_\_\_\_ Sometimes: \_\_\_\_\_

4. Do you refer victims to other community services ?

Often:                      Seldom:                      Never:

If yes, which services :

	Often	Seldom	Never
Transition Home			
Women's centre			
police			
Family Service Assoc.			
Mental health services			
Human Resources			
Indian and Inuit Affairs			
Band			
Other: please specify:			

5. Do you recommend restitution in the following cases in Whitehors

	seldom	often	never
attempted murder:			
rape :			
indecent assault:			
wounding :			
bodily harm :			
other assaults :			
robbery/firearms:			
robbery/other offensive			
weapons :			
other robbery :			
break and enter (bus.):			
break and enter (res.):			
auto theft :			
truck theft :			
theft over:shoplifting:			
other :			
theft under: shoplifting:			
other :			
frauds (cheque) :			
wilful damage-private :			
wilful damage- pulic :			
kidnapping :			
extortion :			

6. Do you recommend restitution in the following cases on circuit?

	seldom	often	never	N/A
attempted murder:				
rape :				
indecent assault:				
wounding :				
bodily harm :				
other assaults :				
robbery/firearms :				
robbery/other offensive weapons :				
other robbery :				
break and enter(bus.)				
break and enter(res.)				
auto theft :				
truck theft :				
theft over:shoplifting:				
other :				
theft under: shoplifting:				
other :				
frauds (cheque) :				
wilful damage-private :				
wilful damage- public :				
kidnapping :				
extortion :				

7. Do you discuss restitution with the victim, prior to recommendation to the court ? Always :\_\_\_ Seldom:\_\_\_\_\_ Oten:\_\_\_\_\_ Never:\_\_\_\_\_

8. What procedures, prior to recommending restitution does your office undertake to assess the offender's ability to pay ?

9. Do you discuss with victims their ability to seek restitution through the civil process ?

Often:\_\_\_\_\_ Seldom:\_\_\_\_\_ Never:\_\_\_\_\_

10. Do victims enquire about their responsibility to discuss their case with defence lawyers ?

Often: \_\_\_\_\_ Seldom: \_\_\_\_\_ Never: \_\_\_\_\_

Comments:

II. What services do you feel should be offered to victims of crime either through your office or other community agencies that are not currently available:

Questionnaire : Private lawyers

1. Have you provided legal counsel for victims of crime regarding an offence committed against them?

Often \_\_\_\_\_ Seldom \_\_\_\_\_ Never \_\_\_\_\_

Comments:

2. Have victims of crime expressed to you any concerns about their experience with the justice system in relation to this crime ( e.g. police, court, crown attorney, defence lawyers ).

Often \_\_\_\_\_ Seldom \_\_\_\_\_ Never \_\_\_\_\_

Comments:

3. Could you comment on the concept of restitution in terms of effectiveness for the victim?

4. Have you ever acted in the role of mediator between victim and offender ? Yes \_\_\_\_\_ No \_\_\_\_\_

Could you comment on the effectiveness of this or on the role of mediation generally:

5. Are there any situations, as a defence lawyer, in which you feel that victims, as witnesses, require special consideration?

Yes \_\_\_\_\_ No \_\_\_\_\_ D/K \_\_\_\_\_

Comments:

6. Are you aware of services currently offered to victims of crime?

In Whitehorse : Yes \_\_\_\_\_ No \_\_\_\_\_

In communities: Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, please specify:

7. In your view, are there services which currently do not exist which should be made available to victims of crime? Yes \_\_\_ No \_\_\_

If yes, please specify:

8. Unreported crimes. Could you comment on any reasons that individuals may not want to report crimes.



RCMP Questionnaire

- I. Detachment:
2. In general , what types of enquiries are received from victims ?
3. What are the procedures used for dealing with these calls:
- What services are provided by police officers for victims:
- a) Explaining procedure for laying complaints/charges:  
Procedures used:
- b) Mediation between victim and offender: yes: no:  
If yes, explain:
- c) Delivery of subpoenas: Yes: No:
- d) Explanation of court procedures: yes: no:
- e) Enforcement of restitution orders: Yes: no:
- f) Assistance in returning stolen property: yes: no:  
Procedures used:

5. Do <sup>you</sup> officers leave a card with their name and occurrence number with the victim at the time of investigation?

Yes:                      no:                      Sometimes:

6. Do officers leave any other information with victims at the time of the investigation?

Yes:                      No:                      Sometimes:

Comments:

7. In your work with other community groups, could you comment on the effectiveness in meeting the needs of victims:

	N/A	good	poor	fair	commen
Indian and Inuit Affairs					
Crisis Line					
Band: social service worker					
chief					
council members					
Community Health Rep.					
Alcohol worker					
manager					
Health nurse					
Transition Home					
Human Resources: child welfare					
Juvenile probation					
Crown attorneys					
Insurance companies					
Family Service Assoc.					
Mental Health Services					
Hospital					
Detox					
Crossroads					
Alcohol and Drug Serv.					
Native Ct. Workers					
Women's Centre					
Other					

8. From your experience, could you comment on the needs expressed by victims of crime at the time of the occurrence?

9. What are the general informational needs of victims both at the time of the occurrence and as the investigation continues?

10. Do victims who are called to act as witnesses request information about the court process from the RCMP? If yes, how is this handled?

11. Could you comment on what services currently not offered to victims should be, either by the RCMP or other agencies or individuals:

Unreported Crimes:

In the course of your work in the community, are you aware of crimes which have not been reported to the police?    Yes:                    No:

If yes, please ~~rate~~ the reasons for this which you feel are possible: (1), next most prevalent (2), 3,4,5, etc.

- i) They did not want to take the time as it might mean time spent in court/ lost from work
- ii) They did not want harm or punishment to come to the offender
- iii) They were afraid of reprisals against themselves or others;
- iv) They thought that it was a private matter, not a criminal offense
- v) They thought that the police couldn't do anything about it.
- vi) They didn't know how to notify the police.
- vii) They didn't know that they should be notified.
- viii) They thought that the police might cause trouble for them.
- ix) They were too confused or upset.
- x) They didn't want other people to find out, afraid of public opinion
- xi) They were not sure if the real offenders would be caught.
- xii) They were afraid that their insurance would be canceled or rates would go up.
- xiii) They did not speak English well enough.

Any other reasons:

Could you comment on any ways in which people who are victims of crime might be encouraged to report offences:

Organization Questionnaire

1. Name of organization / program :
2. Address:
3. Director/contact:
4. Geographical area served:
5. Funded by: government: federal: Territorial: municipal:  
Community: user: other:
6. Number of staff:
7. Hours of operation:
8. Targeted client population:
9. Services provided: counselling: individual :  
family :  
financial :  
medical :  
housing :  
transportation:  
referral :  
other :
10. Cost to client:
11. Criteria for eligibility for services:
12. Do you offer any services which are particularly appropriate for victims of crime or their families ? Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, please specify:

13. Approximate percentage of clients requesting service which are in this category:
14. Do you encourage victims to contact the police:  
 Required:                      Encourage:                      No:  
 Comments:
15. If you are aware of individuals who have been a victim of crime but do not wish to report it, could you comment on the reasons for this
- a) They did not want to take the time as it might mean time spent in court or lost from work:  
 Yes:                      No:
- b) They did not want harm or punishment to come to the offender:  
 Yes:                      No:
- c) They were afraid of reprisal against themselves or others:  
 Yes:                      No:
- d) They thought that it was a private matter, not a criminal one:  
 Yes:                      NO:
- e) They thought that the police couldn't do anything about the matter  
 Yes:                      No:
- f) They didn't know how to notify them:  
 Yes:                      No:
- g) They didn't know that they should be notified:  
 Yes:                      No:
- h) They thought that the police might cause trouble for them:  
 Yes:                      No:

i) They were too confused or upset:

Yes:            No:

j) They didn't want other people to find out what happened, afraid of publicity:

Yes:            No:

k) They were not sure that the real offenders would be caught:

Yes:            No:

l) Fear of insurance cancellation or increased rates:

Yes:            No:

m) They did not speak English well enough:

Yes:            No:

n) Any other reasons:

Have you provided any services to victims in relation to the court?

Yes:            No:

If yes, please explain:

In your contact with the justice system in relation to victims of crime, how would you rate the following groups in relation to the assistance which they give to victims of crime?

Poor:            Fair:            Good:            DK:

RCMP

Crown attorneys

court clerks

native court workers

probation services

justices of the peace

judges

I8. In your view, can you suggest any services which should be available to victims of crime which are not currently available:

I9. Additional comments:



SERVICES IN YUKON AVAILABLE TO VICTIMS OF CRIME

In Yukon, services which could assist victims of crime are operated by voluntary groups, by the Territorial and/or Federal Governments and by Indian Bands and central Indian Organizations.

There are no services outside of the RCMP and Crown Attorney's Office which have a specific mandate to service victims of crime. Below is a list of services which offer assistance to victims of crime under a generalized mandate.

Services are listed under:

A: Social Services

B: Health Services

C: Legal Services

D: Compensation Services

E: Churches

F: Service Clubs

A. SOCIAL SERVICESNon Governmental Organizations(i) Skookum Jim Friendship Centre

3159 3rd Avenue  
 Whitehorse, Yukon  
 667-4464

Area Served: -Yukon

Director: Stan Boychuk

Hours: Daily: 9 a.m. - 5 p.m.  
 except: Monday, Wednesday, Thursday to 8:30 p.m.  
 Sunday 1 - 5 p.m.

GOALS: The centre has a cross cultural mandate, offering information services, some counselling and referral service. A large percentage of participants at the Centre are Native and there are special programs for elders and the unemployed. In addition, there is a drop in centre.

SERVICES TO VICTIMS:

- counselling
- referral
- information

FEES: None

(ii) FAMILY COUNSELLING ASSOCIATION

207 Elliott Street,  
Whitehorse, Yukon  
667-2962

Director: Crystal Percival

Areas Served: Yukon

Hours: 9 a.m. to 5 p.m. - Monday to Friday  
Monday, Wednesday, Friday : counselling available

Goals: To offer public education in the area of family life as well as individual and family counselling. The Association also sponsors the STEP (parenting training) program.

Services to Victims:

- counselling
- referral
- would accompany individuals to court if requested

FEES: Sliding Scale based on income. Maximum fee is \$25.00 per hour. The Association also provides counselling services on referral from the Employee Assistance Plan, Yukon Territorial Government and the cost is assumed by the employer.

(iii) KAUSHEE'S PLACE, YUKON TRANSITION HOME FOR WOMEN

Box 4961  
 Whitehorse, Yukon,  
 668-5733

DIRECTOR: Debra Dungey

Area Served: Yukon

Hours: 24 Hours, daily

Capacity: 20 beds

Goals: To serve women and their children who require temporary shelter. The maximum stay is 3 months. Priorities for admission include: abused women, sexually assaulted women, those in transition from a treatment or correctional centre, migrant women and, in general, any women in crisis requiring a supportive environment.

Services to Victims:

- counselling and shelter for-
  - physically abused women
  - victims of sexual assault
  - abused children (accompanied by their mother)
- also -
  - legal information
  - assist women who wish to apply for a peace bond
  - accompany women to court on request
  - receive crisis telephone calls as well as requests for information related to wife battering, separation, maintenance, sexual assault

(iii) KAUSHEE'S PLACE, YUKON TRANSITION HOME FOR WOMEN

FEES: \$27.50 per day per resident, per diems are generally paid by the Department of Health and Human Resources, Department of Indian and Inuit Affairs. (A block funding request is under negotiation for the 83-83 fiscal year).

#

(iv) VICTORIA FAULKNER WOMEN'S CENTRE

302 Steele Street,  
Whitehorse, Yukon  
667-2693

Co-Ordinator: Mariann Olchowy

Area Served: Yukon

Hours: 9:30 a.m. to 3:00 p.m.  
Monday to Friday

Goals: The centre operates a drop in centre, library, counselling service and a number of programs on issues of interest to women. In addition, the centre is active in organizing public education forums including a conference on "Women and the Law" in 1981.

Services to Victims:

- sexual assault counselling
- individual counselling
- referral
- legal information

Fees: None except for specific courses or conferences. Out of town callers may call collect to the Centre.

(v) CHILD DEVELOPMENT CENTRE

Box 4756  
Whitehorse, Yukon  
668-4386

Director: Dorothy Olsen

Area Served: Yukon

Hours: 8:30 a.m. to 4:30 p.m.  
Monday to Friday

Goals: The centre offers assessment of infants and preschoolers, a home based program for infants up to 2½ years of age. Staff develop individualized developmental programs for children with special needs. Referrals are accepted from parents or professionals.

Services To Victims:

- work with physically and/or sexually abused children
- family counselling
- referral

Fees: A user fee may be charged dependent on income. The maximum fee is \$50.00 per month for children at the Centre and \$5.00 per home visit.

(vi) YUKON STATUS OF WOMEN

302 Steele Street,  
Whitehorse, Yukon  
667-4637

Co-Ordinator: Cathv Moise

Area Served: Yukon

Hours: Tuesday, Wednesday, Thursday  
9:00 a.m. - 4:30 p.m.

Goals: To provide public information and research  
in areas related to issues affecting women.  
The organization monitors legislation and submits  
briefs on legislative review from the perspective  
of enhancing the rights and participation  
of women in Society.

Services to Victims: - legal information  
- referral

Fees: None



(vii) CRISIS LINE: Mental Health Association/Yukon

Box 4026  
Whitehorse, Yukon  
668-9111

Co-ordinator: Claudette Wilson

Area Served: Yukon

Hours: Monday to Thursday 6:00 p.m. - 12:00 p.m.  
Friday, Saturday 6:00 p.m. - 3:00 a.m.  
Outside of these hours, the number is answered  
by another community service.

Goals: Volunteers provide information, referral  
and supportive counselling - telephone  
service only.

Services to Victims: - supportive counselling  
- information  
- referral

Fees: None  
Out of town callers, may call collect

(viii) COUNCIL FOR YUKON INDIANS

22 Nisutlin Drive,  
Whitehorse, Yukon  
667-7631

Vice-Chairman, Social Programs: Ray Jackson

Area Served: Yukon

Hours: 8:30 a.m. - 4:30 p.m.  
Monday to Friday

Goals: The social program department is responsible for program development in the social and health areas. The department also provides support for Yukon Indian Bands, and information and referral on request from individuals and Indian Bands.

Services to Victims: - information  
- referral

Fees: - None

(ix) YUKON NATIVE COURT WORKERS

3159 3rd Avenue,  
Whitehorse, Y.T.  
667-4518

Director: Jeff Choy-Hee

Area Served: Yukon

Hours: 8:30 a.m. to 5:00 p.m.  
Monday to Friday

Goals: To ensure that native people receive fair and equitable treatment before the law. The three courtworkers, currently appear in criminal and family court in Whitehorse, but do not travel to the communities. Also assist individuals in civil matters, applications for worker's compensation, tenant matters, small debts etc.

Services to Victims:

- legal information
- assistance with compensation forms
- referral

Fees: None.  
Out of town calls accepted.

(x) YUKON INDIAN WOMEN'S ASSOCIATION

22 Nisutlin Drive,  
Whitehorse, Yukon  
667-7631

President: Marian Sheldon

Area Served: Yukon

Hours: 8:30 a.m. to 4:30 p.m.

Goals: To work for the advancement of Indian women through education and research. Particular interests are child welfare and the Indian Act.

Services to Victims: - information  
- referral

Fees: None

(xi) YUKON REHABILITATION CENTRE

1148 1st Avenue  
Whitehorse, Yukon  
668-4421

Director: Judith Hayes

Area Served: Yukon

Hours: 8:30 a.m. to 5:00 p.m.  
Monday to Friday

Goals: To provide pre-vocational training and social education for adults with special needs. Participants are accepted on referral from Rehabilitation Services, Yukon Territorial Government.

Services to Victims:

- supportive counselling
- information
- referral
- would accompany to court on request

Fees: None.

GOVERNMENT SERVICES(i) DEPARTMENT OF INDIAN AND INUIT AFFAIRS

Box 4100  
Whitehorse, Yukon  
667-7855

Director - Social Development: Mark Feldstien

Area Served: Yukon

Hours: 8:30 a.m. to 4:30 p.m.  
Monday to Friday

Goals: To provide financial and counselling services to Status Indians. Social Workers also provide consultation to the Band social service administrators.

Services to Victims:

- individual and family counselling
- financial assistance
- referral
- provide funding for Status Indian women referred to Kaushee's Place, the Yukon Transition Home for women.

Fees: None.

(ii) DEPARTMENT OF HEALTH AND HUMAN RESOURCES, YUKON

Territorial Government,  
 Human Resources,  
 Box 2703  
 Whitehorse, Yukon  
 667-5674

Area Served: Yukon

Regional Offices in: Teslin, Faro, Dawson  
 Watson Lake, Haines Junction,  
 Mayo, Whitehorse, Old Crow  
 (part time)

Hours: 8:30 a.m. to 5:00 p.m. Monday to Friday  
 (on call after hours)

Goals: To offer social assistance, child welfare,  
 rehabilitation, counselling and juvenile  
 probation services. In addition, the  
 Department is responsible for services to  
 senior citizens and a day care subsidy program.

Services To Victims:

- counselling and protection for children at risk from physical and sexual abuse
- individual and family counselling
- provide funding for referrals to the Transition Home for Women
- financial assistance
- referral

Fees: None

(iii) INDIAN BAND SERVICES

There are 12 Indian Bands in Yukon:

Kwanlin Dun - Whitehorse

Liard - Watson Lake

Champagne Aishihik - Haines Junction

Kluane - Burwash Landing

Teslin - Teslin

Carcross - Carcross

Selkirk - Pelly Crossing

Carmacks - Carmacks

Dawson - Mayo

Old Crow - Old Crow

Ross River - Ross River

Each band has resource people who may offer counselling and referral services to victims of crime. These include:

- Band social service administrators
- Band manager
- cross cultural co-ordinator
- Council for Yukon Indians Resource worker

Hours: 8:30 a.m. - 4:30 p.m.

Fees: None



(iv) WOMEN'S BUREAU, YUKON TERRITORIAL GOVERNMENT

Box 2703  
Whitehorse, Yukon  
667-5182

Co-Ordinator: Shelagh Rae

Area Served: Yukon

Hours: 8:30 a.m. - 5:00 p.m.  
Monday to Friday

Goals: An advisory board has been formed to review policies, legislation and procedures and to recommend changes where necessary to improve the status of women.

Service to Victims:

- Booklet has been published which has information on:
  - marriage contracts
  - common-law relationships
  - changing your name
  - separation
  - peace bond
  - illegitimate children

Fees: Available free of charge

B. HEALTH SERVICES(i) MENTAL HEALTH SERVICES:

Health & Welfare Canada  
4 Hospital Road,  
Whitehorse, Yukon  
667-6375

Director: Pat Kehoe

Area Served: Yukon

Hours: 8:30 a.m. to 5:00 p.m.  
Monday to Friday

Goals: To provide assessment and counselling services. The Director, (a psychologist) and 2 community mental health nurses are located in Whitehorse and travel to major centres 4 times a year and to smaller centres twice a year.

Services To Victims: - individual family counselling  
- referral

FEES: None

(ii) PSYCHIATRIST

Whitehorse General Hospital  
Whitehorse, Yukon  
668-3604

Dr. H. Cohen F.R.C.P.

Area Served: Yukon

Hours: 9:00 a.m. - 5:00 p.m.  
Monday to Friday

Service: Provides assessment and counselling to adults and children on referral from a physician or social agency. Located in Whitehorse, travels to communities intermittently.

Services to Victims: - counselling

Fees: None

(iii) COMMUNITY HEALTH REPRESENTATIVES

2 Hospital Road,  
Whitehorse, Yukon  
668-6461

Director: Helen Williams

Area Served: Whitehorse  
Ross River  
Pelly Crossing  
Carmacks  
Old Crow  
Carcross

Hours: 8:30 a.m. to 5:00 p.m.  
Monday to Friday

Goals: To provide para professional health related services, primarily in Indian Communities, as a major link between those communities and the health system.

Services to Victims: - information  
- referral  
- supportive counselling

Fees: None

(iv) PUBLIC HEALTH SERVICES

4 Hospital Road  
 Whitehorse, Yukon  
 668-6461

Director: Helen Williams

Areas Served: Nursing stations are located in: ±

Dawson City	Pelly Crossing
Faro	Carmacks
Ross River	Teslin
Destruction Bay	Watson Lake
Mayo	Old Crow

A clinic is also located in Whitehorse

Goals: In nursing stations, nurses provide emergency health care, individual counselling, referral, home visiting. In Whitehorse, there is a home visiting program for senior citizens. Public health nurses supervise the community health representatives.

Services to Victims:

- emergency medical care
- individual counselling
- referral

Fees: None

(v) HOSPITAL SERVICES

The major hospital is located in Whitehorse with small hospital facilities in Faro, Mayo, and Watson Lake.

Administrators:

Whitehorse General Hospital : Lee Spensor

Faro Cottage Hospital : Carmel Schlitz

Mayo Hospital: Linda Clark

Watson Lake: Debbie Kirstein

Hours: 24 hours, daily

Services: Emergency and acute care. Serious cases are evacuated from communities to Whitehorse and from Whitehorse to Edmonton or Vancouver if specialized care is not available in the Territory.

Services to Victims:

- emergency and acute medical care
- in Whitehorse - physio therapy
- referral of suspected child abuse to Department of Human Resources
- sexual assault information taken
- referral to Mental Health Services, other community services (primarily in Whitehorse)

Fees: None

(vi) DETOXICATION CENTRE

502 Hoge Street,  
Whitehorse, Yukon  
667-2336

Director: Bea Johnson

Area Served: Primarily Whitehorse, but out of town residents are accepted.

Hours: 24 hours, daily

Goals: To provide a safe residential environment, counselling and referral for intoxicated individuals who come to the centre themselves or are referred by other agencies. A high percentage of the clients have been victims of crime.

Services to Victims:

- assessment
- counselling
- referral

Fees: None

(vii) ALCOHOL AND DRUG SERVICES, TERRITORIAL GOVERNMENT

6118 6th Avenue,  
Whitehorse, Yukon  
667-5777

Director: Lyn Malinsky

Area Served: 2 full time counsellors are located in  
Whitehorse

Part time community alcohol workers:

Carcross

Old Crow

Dawson City

Watson Lake

Mayo

Goals: To provide public education, individual and  
family counselling, referral to a treatment  
centre if indicated.

Service to Victims: - counselling  
- referral

Fees: None



(viii) NATIONAL NATIVE ALCOHOL AND DRUG ABUSE PROGRAM

22 Nisutlin Drive  
Whitehorse, Yukon  
667-7631

Regional Consultants: Albert James  
Dayle MacDonald

Areas Served: All Yukon communities

Hours: Flexible hours  
Monday to Friday

Goals: To develop community alcohol programs; public education; counselling for adults and youth. There are part time workers in each community employed by Indian Bands.

Services To Victims:

- supportive counselling
- information
- referral

Fees: None

C. LEGAL SERVICES

- (i) LEGAL AID DEPARTMENT , Department of Justice, Yukon Territorial Government

Room 235  
Federal Building  
Whitehorse, Yukon  
667-5210

Legal Aid Clerk: Gina Turner

Area Served: Yukon

Hours: 8:30 a.m. to 5:00 p.m.  
Monday to Friday

Goals: To assist persons with limited funds to have access to legal services. Applicants must apply through Whitehorse and can telephone or write in. Forms will be distributed to the communities in the near future.

Generally victims do not receive legal aid, as they are represented by Crown Counsel in criminal matters and legal aid is generally not available for most civil matters. Applications are reviewed by the Legal Aid Committee.

Services to Victims: - one exception to the above, is in a case in which a child advocate is recommended and in that situation legal aid would be granted.

Fees: dependent on income.

(ii) ROYAL CANADIAN MOUNTED POLICE

Main Office  
4100 4th Avenue  
Whitehorse, Yukon  
667-5555

Chief Superintendent: Harry Nixon

Areas Served: The RCMP serve the territory with detachments located in:

Whitehorse: including 2 Special Constables  
with the Kwanlin Dun Band

Beaver Creek	Pelly Crossing (sub detachment)
Ross River	Mayo
Teslin	Old Crow
Watson Lake	Dawson City
Carcross	Faro
Haines Junction	Carmacks

(iii) SMALL CLAIMS COURT, Department of Justice, Yukon Territorial  
Government

Room 207  
Federal Building  
Whitehorse, Yukon  
667-5619

Small Debt Official: Shirley Spelchake

Area Served: Yukon

Hours: 8:30 a.m. to 4:00 p.m.  
Monday to Friday

Service: To implement the Small Claims Act in Yukon. The small claims court will deal with claims up to a maximum of \$1500.00. It is not necessary to have Legal Counsel, the plaintiff completes an application which is available in Whitehorse and the defendant is served with notice. The defendant has 10 days in which to dispute the claim. Cases are heard by Territorial Court Judges or by the Justice of the Peace in Watson Lake only. Small claims matter are not generally dealt with on circuit courts. There are no reciprocal agreements with other jurisdictions should the defendant leave the Territory.

Service to Victims: - a victim of fraud or non payment of debt may apply to small claims court for sums up to \$1500.00

Fees: There is a \$10.00 application fee.

(iv) SHERIFF'S OFFICE, Department of Justice, Yukon Territorial  
Government

Brian Pope, Sheriff  
Box 4066  
Whitehorse, Yukon  
667-5451

Area Served: Yukon

Hours: 8:30 a.m. to 5:00 p.m.  
Monday to Friday

Service: Seizure of property, serving of notices  
are done by 2 deputies and the Sheriff,  
located in Whitehorse. They make 5 routine  
trips a year to major centres outside of  
Whitehorse.  
The plaintiff may have to pay travel expenses  
for seizure if the Sheriff is needed between  
regular trips.  
Process servers are located in Dawson, Haines  
Junction and Watson Lake.

D. COMPENSATION SERVICES(i) VICTIMS OF PROPERTY THEFT AND/OR DAMAGE

There is no governmental plan of compensation for victims of property theft or damage. Victims whose property is insured, generally receive compensation and must report the offence to the R.C.M.P.

(ii) VICTIMS OF PERSONAL INJURY

Under the Compensation for the Victims of Crime Act (1975), victims of personal injury as the result of a crime may apply for compensation.

Applications are available in Whitehorse through the Worker's Compensation Board and in the communities, applications are generally available from the R.C.M.P. or Territorial Agent.

The members of the Worker's Compensation Board review all applications; applicants do not need to be represented by legal counsel although they can be should they choose. All hearings are held in Whitehorse.

The maximum allowable award under the Act is \$25,000 and the minimum is \$100.00.

Director: Brian Booth  
Worker's Compensation Board  
Suite 300  
4100 4th Avenue,  
Whitehorse, Yukon  
667-5645

E. CHURCHES

Many of the churches surveyed, offer services to victims of crime on request although there is not a formalized program in any church.

Services include: temporary shelter, meals, assistance with food and clothing as well as individual counselling and referral.

F. SERVICE CLUBS

There is no formalized program for victims of crime, however, service clubs have, on request, provided temporary financial assistance, food or clothing for victims.

Although not a direct service to crime victims, the Jaycees of Whitehorse are currently attempting to raise funds in order to develop an anti vandalism program on the national "Peter Pride" format; Vandal Check '83. The purpose of the program will be to educate the public on the facts of vandalism.

Whitehorse Jaycees,  
Box 4131  
Whitehorse, Yukon



AVANT-PROPOS

L'objet de la présente étude était de cerner les services auxquels peuvent, à l'heure actuelle, faire appel les victimes d'actes criminels du Yukon, et de recommander divers moyens de pourvoir aux besoins exprimés par ces victimes.

Pour ce faire, on a étudié 130 victimes d'actes criminels, signalés à la police dans les derniers 6 mois de 1982 et perpétrés dans des secteurs où existent des détachements de la GRC, soit à Whitehorse, Haines Junction, Ross River et à Watson Lake. De plus, on a interviewé 30 officiers de justice, 47 représentants d'organismes divers et 38 personnalités en vue dans le milieu. De ce dernier groupe, 15 personnes, elles-mêmes victimes, ont raconté leur expérience.

L'intérêt que l'on accorde de plus en plus à la situation des victimes d'actes criminels ne s'inscrit pas nécessairement en opposition aux droits des inculpés. Accroître les droits de la victime aux dépens du prévenu ou du délinquant ne représenterait certes pas un progrès.

Au Yukon, le nombre de victimes ne peut qu'être très limité, surtout si on le compare aux régions méridionales du Canada. Pourtant, insignifiance statistique ne signifie pas traumatisme moindre pour les victimes d'actes criminels.

Parmi les victimes interviewées au cours de l'étude, le rapport entre les victimes de crimes contre la propriété et les victimes de voies de fait est de 4 à 1. 91.4% des victimes avaient entre 17 et 49 ans; 57% étaient des hommes et 18% étaient d'origine autochtone. 84.5% des victimes vivaient au Yukon depuis plus de 3 ans, et le quart de ce groupe y habitait depuis toujours. Un peu plus de 40% des victimes n'en étaient pas à leur première victimisation. Quant à la valeur des biens perdus, dans 65.3% des cas de crime contre la propriété, il s'agissait de moins de \$500. C'est-à-dire qu'il s'agissait le plus souvent de petites sommes d'argent comptant ou de petits objets faciles à apporter.

La plupart des victimes interviewées (90.6%) se déclaraient satisfaites de l'aide initiale reçue de la police. Elles auraient cependant aimé obtenir plus d'information de la police, une fois le crime signalé.

La satisfaction exprimée par les victimes en ce qui a trait aux tribunaux était moins évidente. Cependant, après un examen plus approfondi, les critiques apportées par les victimes semblaient porter plutôt sur les condamnations, qui ne sont pas jugées suffisamment répressives et dissuasives, que sur l'expérience des victimes avec les tribunaux mêmes. La majorité des répondants se sont montrés à la fois réfléchis et prudents lorsqu'interrogés sur les peines qui leur paraissaient appropriées. La vindicte personnelle que craignent ceux qui s'opposent à une participation accrue

des victimes au système pénale n'a été observée que fort rarement. De plus, les répondants en général ne considéraient pas la prison comme très efficace, si ce n'est dans les cas de voies de fait graves où, selon la plupart des victimes interrogées, les peines d'emprisonnement devraient être plus longues.

On prétend souvent que de 40 à 60% des crimes ne sont jamais signalés à la police. L'étude s'est intéressée à cet aspect de la question. On a demandé aux victimes interviewées d'évaluer le nombre de crimes qui, selon elles ne sont pas souvent signalés. Les crimes les plus fréquemment mentionnés étaient le viol, les violences contre les femmes, les larcins et les crimes contre les gens âgés.

Quant à la nature des services réclamés par les victimes de crimes, qu'elles aient ou non signalé l'infraction à la police, il apparaît que c'était d'abord et avant tout une meilleure information, à tous les niveaux, qui était demandée. Ensuite, ce qui était le plus souvent demandé, c'était des services d'assistance directe dans le cas des victimes de viol et des enfants maltraités, physiquement ou sexuellement.

Dans la plupart des interviews, les victimes associaient l'alcool à la plupart des incidents graves entraînant une victimisation. Plusieurs victimes prétendaient même que sans les problèmes reliés à la consommation excessive d'alcool, le système judiciaire au Yukon n'aurait pratiquement plus de raison d'être.

En dépit des progrès réalisés ces dernières années, il semble qu'un large fossé sépare encore les victimes autochtones de la justice. Aucun autochtone n'oeuvre dans le système judiciaire, ce qui, au moins en partie, fait percevoir la justice comme étrangère, comme un système répressif et non comme une protection.

Là où la population est clairsemée, comme au Yukon, le système judiciaire fait l'objet d'un examen très attentif de la part de la presse et du public en général. Bien que la criminalité, fort heureusement, n'ait pas encore altéré le mode de vie des citoyens, professionnels et simples intéressés se sont déclarés prêts à se montrer plus attentifs aux problèmes des Yukonnais victimes d'actes criminels.

Le présent rapport contient 35 recommandations qui, nous l'espérons, stimuleront le débat sur la meilleure façon de reconnaître et de promouvoir les droits des victimes au Yukon.

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